

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL REVISION PETITION Nos.2415 and 2425 of 2018

COMMON ORDER :

These two Civil Revision Petitions Nos.2415 and 2425 of 2018 are arising out of the orders passed in I.A.Nos.198 and 199 of 2016, respectively. The petitioner is the plaintiff, filed a suit O.S.No.160 of 2016 on the file of learned Special Assistant Agent and Sub-Divisional Magistrate, Mobile Court, at Bhadrachalam, Khammam District. In the suit, the above two applications are filed. One for temporary injunction and the other for restraining respondents 1 to 5 from getting mutation of the schedule property in their names. The authority has ordered *status quo* in the applications. Aggrieved by the orders of *status quo* these CRPs are filed by the petitioner.

The brief facts of the case of the petitioner is that , the petitioner has filed the above suit for declaration of her status as a legally wedded wife of (late) Sri Kariavula Laxmi Narayana @ Bullet Laxman, and for permanent injunction against respondents 1 to 5. The suit schedule property is RCC Building consisting of ground floor and first floor, and there are four rooms in each floor. There is a motorcycle mechanic shed and SBI Centre in ground floor in an extent of

80 square yards. She claims that that she is in possession of the property.

The petitioner was blessed with two children through her first husband and he was killed by Praja Prathighatana group of extremists on 24.03.1999. Police registered a case and investigated. By G.O.Ms.No.469, General Administration (SC-A) Department, dated 08.01.1996, and vide proceedings of District Collector, ex-gratia and suitable employment was ordered to the petitioner on compassionate grounds. The petitioner was appointed as Watchman and her services were regularized and she was working as Office Subordinate in Panchayat Raj Department. Petitioner married one Kariavula Laxmi Narayana against the wishes of her parents and relatives in Arya Samaj on 08.07.2002. Her husband suddenly died due to heart-stroke on 31.01.2016. The petitioner again became widow.

The respondents 1 to 5, the brothers and married sisters of the husband of the petitioner are trying to interfere with the possession and enjoyment of the share of her husband in the aforesaid schedule property. She claims that the petition schedule property is self-acquired property of her husband, and she also claims one-fourth undivided share in an extent of 1000 Square yards of house site in G.R. Basti, Kothagudem, along with respondents 1 to 3. The petitioner

claims that she is the class-I heir of husband and claims the entire share of her husband in the suit schedule property.

The respondents have denied the allegations made by the petitioner in the suit. They alleged that the petitioner is trying to grab the petition schedule property. She was not the class-I heir of the deceased Laxmi Narayana. The deceased Kariavula Laxmi Narayana has executed a Will deed dated 21.06.2015 bequeathing the petition schedule property in favour of respondent No.3. After his death, the Will came into force and the respondent No.3 became the absolute owner.

Learned Presiding Officer has observed that the deceased Kariavula Laxmi Narayana died on 31.01.2016 due to heart-attack. The respondents have filed the Will deed executed by him during his lifetime in favour of respondent No.3. The petitioner has not filed any record, like Samagra Survey of Telangana, her Aadhar Card, Voter Identity Card, and dismissed the injunction petition, wherein *status quo* was ordered to be maintained till disposal of the suit.

In view of the submissions of the learned counsel of both the parties, without going into the merits of the aforesaid applications, I am of the view that the parties may agitate their rights in the suit, and they have to be adjudicated by the Court below in the suit, in the mean while there shall be *status quo*.

Accordingly, both the Civil Revision Petitions are dismissed, however, directing the Court below to dispose of the suit in O.S.No.160 of 2016 within six months from the date of receipt of a copy of this order. There shall be *status quo* till disposal of the suit. No order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

30.07.2018.

NOTE: Issue C.C. in three days.
(B/O)
Msr/KSM

GUDISEVA SHYAM PRASAD, J



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30.07.2018
Msr