

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.2960 OF 2011

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, challenging the order in I.A.No.710 of 2011 in O.S.No.151 of 2011 dated 16.06.2011 passed by the Principal Civil Judge at Sattenapalli, in a petition filed under Order XXXIX Rules 1 & 2 r/w Section 151 C.P.C, for grant of interim injunction, restraining the petitioner herein and his men from interfering with the peaceful possession and enjoyment of the plaint schedule property by the plaintiff society and its administration.

Instead of challenging the order passed under Order XXXIX Rules 1 & 2 r/w Section 151 C.P.C, the petitioner filed the present petition under Article 227 of the Constitution, though it is appealable under Order XLIII Rule 1 r/w Section 106 C.P.C. When a remedy under the civil procedure code is available against such order, this Court cannot exercise jurisdiction under Article 227 of the Constitution of India.

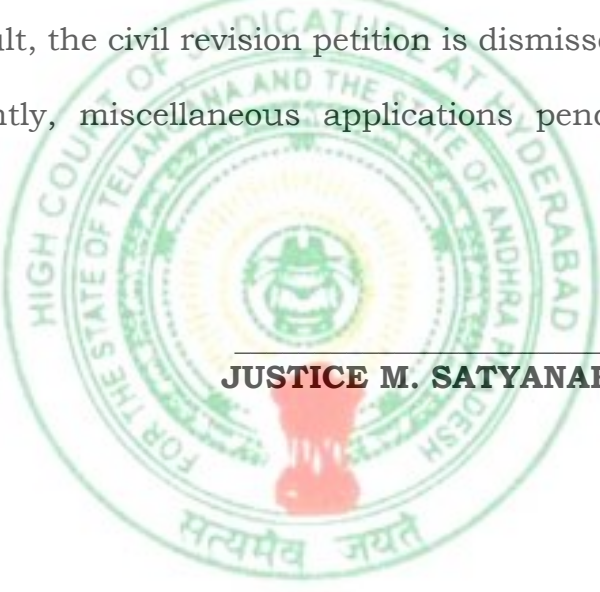
The main contention before this Court is that, when there is a dispute with regard to management of registered society, an application under Section 23 of the Societies Registration Act can be filed before the District Court, but not a suit before the Civil Court. Therefore, the Civil Court lacks inherent jurisdiction, thereby, the petitioner approached this Court under Article 227 of the Constitution of India.

No doubt, the petition is maintainable under Section 23 of A.P. Societies Registration Act. But, still, the question of inherent jurisdiction of the Civil Court can be raised even in civil miscellaneous appeal. But,

the petitioner approached this Court under Article 227 of the Constitution of India, inviting findings about inherent jurisdiction of the Trial Court and such short cut methods cannot be allowed, as the powers of this Court under Article 227 of the Constitution of India are supervisory in nature and this Court can interfere only when the Court exercises jurisdiction that is conferred on it, that too, when a remedy is available by way of appeal, this Court cannot exercise power under Article 227 of the Constitution of India. Hence, the civil revision petition is dismissed, leaving it open to the petitioner to raise all his contentions before appropriate Court in appropriate appeal.

In the result, the civil revision petition is dismissed.

Consequently, miscellaneous applications pending if any, shall stand dismissed.



JUSTICE M. SATYANARAYANA MURTHY

Date:26.02.2018

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