

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

C.R.P.No.771 OF 2017

ORDER:

The revision petition is filed under Article 227 of the Constitution of India challenging the order dated 26.10.2016 in I.A.No.589 of 2016 in O.S.No.241 of 2016 passed by the Principle Junior Civil Judge, Gurazala, Krishna District granting temporary injunction till 07.11.2016 by restraining the petitioner from interfering with the possession and enjoyment of the property.

The order under challenge is an order passed under Order XXXIX Rules 1 and 2 C.P.C., which is an appealable order under Order 43 Rule 1(r) C.P.C. But instead of filing the appeal, the present revision petition is filed invoking Article 227 of the Constitution of India. Therefore, the revision under Article 227 of the Constitution of India is not maintainable when the remedy is available under Order XLIII Rule 1(r) C.P.C is available, which is efficacious. Hence, the revision petition is dismissed giving opportunity to file appropriate appeal, if so advised.

Accordingly, the civil revision petition is dismissed giving liberty to the petitioner to file appropriate appeal, is so advised. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

M. SATYANARAYANA MURTHY,J

09.02.2018
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