

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Civil Revision Petition No.5385 of 2017

Order:

The defendants in the suit are the petitioners herein. The respondent/plaintiff filed O.S.No.34 of 2009 on the file of the Senior Civil Judge, Kavali, for permanent injunction in respect of the suit schedule property. When the suit was pending, the respondent herein filed I.A.No.475 of 2017 seeking permission for withdrawal of the suit to enable her to file a comprehensive suit for declaration and for consequential permanent injunction. When the lower Court allowed the said application on 03.08.2017, the present Civil Revision Petition is filed challenging the same.

Now, learned counsel for the respondent/plaintiff submitted that after disposal of the present application a comprehensive suit for declaration and permanent injunction was filed in O.S.No.220 of 2017 and the same is pending before the learned Senior Civil Judge, Kavali.

In view of the same, it is open to the petitioners herein who may be defendants in the said suit to take all possible pleas including the plea with regard to right of the plaintiff to file a separate suit after withdrawal of the earlier O.S.No.34 of 2009. It is needless to observe that the trial Court shall dispose of the suit in accordance with law uninfluenced by any of the observations made in the present order.

The Civil Revision Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

A. RAMALI NGESWARA RAO, J

Date: 19.03.2018
Nsr

