

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.5914 of 2017

ORDER:

Heard the learned counsel for the petitioners.

2. This Civil Revision Petition is filed challenging the order dt.30-08-2017 in C.M.A.No.10 of 2008 of the Senior Civil Judge, Punganur, Chittoor District, confirming the order dt.17-06-2008 in I.A.No.655 of 2008 in O.S.No.123 of 2008 of the Junior Civil Judge, Punganur, Chittoor District.

3. The petitioners are legal heirs of the plaintiff. They filed the suit for injunction against the respondents in respect of the plaint schedule property. Along with the suit, they filed I.A.No.655 of 2008 for temporary injunction restraining the respondents from interfering with peaceful possession and enjoyment of 1st petitioner in respect of the plaint schedule property. After contest, the said I.A. was dismissed.

4. Assailing the same, the 1st petitioner preferred C.M.A.No.10 of 2008 before the Senior Civil Judge, Punganur.

5. The said appeal was also dismissed on 30-08-2017. the lower appellate Court observed that the petitioners did not establish possession over the suit schedule property and that the petitioners' contentions that whether the property is joint family property, whether it was sub divided and the suit schedule property fell to the 1st

petitioner's share as determined by the elders, are the matters which have to be decided in the trial and not in the interlocutory stage.

6. Assailing the same, this Civil Revision Petition is filed.

7. Though the learned counsel for the petitioners sought to contend that the findings recorded by the trial Court as well as lower appellate Court are not correct, I am not inclined to go into the said findings having regard to the fact that the suit is of the year 2008 and already nine years have elapsed since the date of filing of the suit.

8. Therefore, without going into the merits of the contentions raised by the petitioners, I direct the Principal Junior Civil Judge, Punganur to decide O.S.No.123 of 2008, preferably, within six months from the date of receipt of a copy of this order without being influenced by the findings recorded by it in I.A.No.655 of 2008 or in C.M.A.No.10 of 2008 of the Senior Civil Judge, Punganur.

9. Accordingly, the Civil Revision Petition is disposed of.
No costs.

10. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23-01-2018
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