

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.7103 of 2017

ORDER:

Heard the learned counsel for petitioner and Sri O.Uday Kumar,
learned counsel for respondent.

2. This Revision is filed challenging the order dt.06-10-2017 in C.M.A.No.10 of 2016 of the IX Additional District Judge, Chittoor confirming the order dt.25-04-2016 in I.A.No.123 of 2015 in O.S.No.106 of 2015 of the Additional Senior Civil Judge, Chittoor.

3. Petitioner is plaintiff in the suit. He filed the said suit for declaration of his title over the plaint schedule property and for perpetual injunction in respect of the plaint schedule property.

4. Along with the suit, the petitioner filed I.A.No.123 of 2015 under Order 39 Rules 1 and 2 C.P.C. for temporary injunction restraining the respondent from interfering with his peaceful possession and enjoyment of the property till disposal of the suit.

5. Counter-affidavit was filed opposing the said application.

6. By order dt.25-04-2016, the said application was dismissed.

7. Challenging the same, the petitioner filed C.M.A.No.10 of 2016 before the IX Additional District Judge, Chittoor.

8. The said appeal was also dismissed on 06-10-2017.

9. Though learned counsel for petitioner sought to contend that the findings recorded by the trial Court as well as lower appellate Court in I.A. and C.M.A. are not correct, having regard to the fact that several questions on fact and law are raised which are more appropriately decided in the suit, without expressing any opinion on the contention of petitioner in this Revision, the Civil Revision Petition is disposed of at the stage of admission, directing the trial Court to decide the suit O.S.No.106 of 2015 on its file as expeditiously as possible, uninfluenced by the findings in I.A.No.123 of 2015 or C.M.A.No.10 of 2016. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 24-01-2018
VSV

