

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

CRP.No.1298 of 2018

O R D E R:

This Revision is filed challenging the order dt.12.12.2017 in CMA.No.7 of 2016 of the Principal District Judge, Adilabad.

2. Petitioners are defendants in O.S.No.44 of 2016 on the file of the Junior Civil Judge, Adilabad.

3. The respondent filed the said suit for perpetual injunction against the petitioners.

4. Respondent also filed I.A.No.86 of 2016 in the said suit seeking temporary injunction pending suit restraining the petitioners from interfering with the alleged possession and enjoyment of the respondent over the suit schedule property.

5. By order dt.07.09.2016, the said I.A. was dismissed by the trial Court.

6. Respondent then preferred CMA.No.7 of 2016 before the Principal District Judge, Adilabad.

7. By order dt.12.12.2017, the Principal District Judge set aside the order dt.07.09.2016 in I.A.No.86 of 2016 in O.S.No.44 of 2016 by allowing the said CMA and remanded the matter to the trial Court for fresh disposal with a direction to consider the documents filed by both parties and decide it without being

influenced by any observations made by it in its order dt.12.12.2017.

8. Challenging the same, this Revision is filed.

9. Counsel for the petitioners contends that there are certain observations made in the order passed by the lower Appellate Court relating to the possession of the parties and the petitioners apprehend that such observations may influence the lower Court when it decides I.A.No.86 of 2016 afresh.

10. In my considered opinion, there is no basis for such apprehension to be entertained by the petitioners because the order of the lower Appellate Court itself states that after remand, the trial Court should decide I.A.No.86 of 2016 without being influenced by any observations made by it.

11. I therefore do not find any error of jurisdiction in the order passed by the lower Appellate Court warranting interference by this Court under Article 227 of the Constitution of India.

12. Accordingly, this Civil Revision Petition fails and it is dismissed. No order as to costs.

13. Consequently, miscellaneous petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

20th June, 2019.

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