

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.879 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the order dated 31.10.2006 passed in C.M.A.No.6 of 2005 by the learned Principal Senior Civil Judge, Asifabad, wherein the CMA filed by the revision petitioner (defendant No.1) and defendant Nos.2 and 3 was dismissed confirming the order dated 04.03.2005 passed in I.A.No.166 of 2004 in O.S.No.67 of 2004 by the Junior Civil Judge, Asifabad. In the said I.A., interim injunction was granted restraining defendant Nos.1 to 3 from interfering with the peaceful possession and enjoyment of the petitioner/plaintiff therein over the suit land. Aggrieved by the said order, C.M.A. was filed in the year 2005.

2. Heard learned counsel for the revision petitioner, learned counsel for the respondents and perused the record.

3. As seen from the documentary evidence and the material placed on record, the first respondent/plaintiff is in possession of the suit property. There is *prima facie* case and balance of convenience in his favour. Both the Courts below are of the same view. Having regard to the concurrent findings recorded by the Courts below, this Court does not find any merit in this revision petition.

4. Under these circumstances, the Civil Revision Petition is dismissed. It is made clear that the trial Court shall dispose of O.S.No.67 of 2004 on its own merits, without being influenced by the findings recorded herein.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Date: 20.11.2019
ssp

Dr. SHAMEEM AKTHER, J

