

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.1819 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/respondents 5 & 6, challenging the order, dated 03.06.2019, passed in I.A.No.389 of 2019 in C.M.A.No.8 of 2019, by the XV Additional District and Sessions Judge-cum-XV Additional Metropolitan Sessions Judge-cum-II Additional Family Judge, Ranga Reddy District at Kukatpally, whereby, the petition filed by the respondent Nos.1 to 9 herein/appellants under Order XXXIX Rules 1 and 2 of CPC seeking temporary injunction restraining the petitioners herein or any person or persons acting on their behalf from raising any construction over the suit schedule property, was allowed.

2. Heard the submissions of Sri M.V.S.Suresh Kumar, learned senior counsel appearing for Sri A.Sreenivasa Rao, learned counsel for the petitioners, Sri U.Muralidhar Rao, learned counsel for respondent No.14, Sri G.Kirshna Murthy, learned counsel for respondent No.5 and perused the record.

3. The learned senior counsel appearing for the petitioners would submit that in a Second Appeal (S.A.No.212 of 2018) filed before this Court by the petitioners herein, wherein, interim stay of passing of the final decree in O.S.No.315 of 2002 on the file of V Additional Senior Civil Judge (FTC), Ranga Reddy District at L.B.Nagar, was granted and permitted all other proceedings to

go on. In spite of the same, the Court below allowed the subject interlocutory application restraining the petitioners herein from raising any construction over the suit schedule property, which is erroneous, and ultimately prayed to set aside the order under challenge and allow the Civil Revision Petition as prayed for.

4. On the other hand, the learned counsel for respondent No.5 and respondent No.14 supported the impugned order and submitted that the Court below, having examined the matter in detail, passed a reasoned order restraining the petitioners herein from raising any construction over the suit schedule property. There is nothing to take a different view and ultimately prayed to dismiss the Civil Revision Petition.

5. It is evident from the record that a Second Appeal (S.A.No.212 of 2018) was filed before this Court by the petitioners, wherein, this Court granted interim stay of passing of final decree in the subject suit and permitted all other proceedings to go on. Serious contentions of title and possession over the suit schedule property are being raised by both the parties. Since C.M.A.No.8 of 2019 is pending before the Court below, it is not appropriate for this Court to pass any order on merits in this Civil Revision Petition. It is for the Court below to dispose of C.M.A.No.8 of 2019, pending on its file, expeditiously.

6. Under these circumstances, the learned XV Additional District and Sessions Judge-cum-XV Additional Metropolitan

Sessions Judge-cum-II Additional Family Judge, Ranga Reddy District at Kukatpally, is directed to dispose of C.M.A.No.8 of 2019, pending on its file, within a period of three (03) weeks from the date of receipt of a copy of this order. While disposing of the said C.M.A., the Court below shall not go by the observations made by it in the impugned order. Both the parties are directed to maintain *status quo* with regard to the suit schedule property, in all respects, till three (03) weeks, as indicated above.

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

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

19th November, 2019
Bvv

Dr. SHAMEEM AKTHER, J