

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Writ Petition No.18687 of 2019

ORDER :

Heard the counsel for petitioners, the learned Government Pleader for Revenue for respondent nos.1 to 4, the learned Government Pleader for Home, for 5th respondent; and Sri K.S. Murthy, counsel for 6th respondent.

2. The grievance of petitioners in this Writ Petition is that in the impugned order passed by the 3rd respondent closing proceedings under Section 145 of Civil Procedure Code, 1908, he has given a finding about possession of 6th respondent which might prejudice the petitioner in O.S.No.400 of 2017 filed by 6th respondent against petitioners.

3. A reading of the said order passed by 3rd respondent indicates that the 3rd respondent had simply referred to the temporary injunction order granted on 20.11.2017 in Interlocutory Application No.869 of 2017 in Original Suit No.400 of 2017 against petitioners, and inferred that the 6th respondent is in possession of the property.

4. Since the proceedings of 3rd respondent are any way closed by the said impugned order, it is made clear that this observation regarding possession of 6th respondent in the impugned order passed by the 3rd respondent shall not be considered by the Civil Court while deciding Interlocutory Application No.869 of 2017 in Original Suit

No.400 of 2017 on the file of Additional Junior Civil Judge, Kukatpally, and the said Court shall independently decide the same without reference to this finding of 3rd respondent in the impugned order.

5. Accordingly, the Writ Petition is disposed of as above. No order as to costs.

6. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27.09.2019

Ndr/*

