

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION Nos.6245, 6259 and 6746 of 2018

COMON ORDER :

These three Revisions raise the same issue and respondents are common to all the three Revisions. Therefore, they are disposed of by this common order.

2. Petitioner in each of these Revisions is plaintiff in O.S.No.1641 of 2013, 1642 of 2013 and 1643 of 2013 on the file of VIII Additional District Judge, Ranga Reddy District at L.B. Nagar.

3. They filed the suit against the respondents for perpetual injunction restraining the respondents from interfering with their alleged peaceful possession and enjoyment of the plaint schedule properties.

4. Respondents filed written statements opposing grant of relief to petitioners, and contended that the suit schedule properties which are subject matter of these suits are Inam lands covered by the A.P. (T.A.) Abolition of Inams Act, 1955. They raised specifically a contention that the Civil Court has no inherent jurisdiction to entertain the suits or pass any orders in respect of the suit schedule properties.

5. The respondents then filed I.A.No.687 of 2018 in O.S.No.1643 of 2013, I.A.No.683 of 2018 in O.S.No.1641 of 2013 and I.A.No.685 of 2018 in O.S.No.1642 of 2013 to frame an issue relating to the jurisdiction of the Civil Court as a preliminary issue.

6. By separate orders passed on 17-08-2018, the Court below accepted the contention of the respondents and decided to adjudicate as preliminary issue the question whether it has got inherent jurisdiction to try the subject matter and the suit taking note of the rival contentions of the parties. It placed reliance on the decision in **State of Tamilnadu, rep. by District Collector, Vellore Vs. B.Anandaiah**¹, wherein this Court had decided that for the purpose of disposal of the suit on admitted facts, particularly when the suit can be disposed of on preliminary issues, no particular procedure was required to be followed by the High Court and in terms of Order XIV Rule 1 C.P.C., a Civil Court can dispose of a suit on preliminary issues and maintainability of the suit can also be adjudicated as a preliminary issue.

7. Assailing the same, these Revisions are filed.

8. Learned counsel for petitioners contended that the Court below erred in framing such an issue about jurisdiction of the Civil Court as an issue in the suit and also in proposing to decide it as a preliminary issue.

9. According to him, the contentions raised by respondents that the Civil Court has no jurisdiction to entertain the suit is not correct, and that there are other orders passed in several civil suits, which have not been questioned by the respondents.

¹ 2005(6) ALT 824

10. Learned counsel for respondents, however, supported the orders passed by the Court below, and contended that it is within the discretion of the Court below to frame an issue on a particular point and also proceed to decide it as a preliminary issue including the question about maintainability of the suit.

11. I have noted the contentions of both sides.

12. In my considered opinion, it is well within the desertion of the Court below whether or not to frame an issue about its jurisdiction particularly when respondents have specifically questioned its jurisdiction and contended that it had no inherent jurisdiction to entertain the suit. Having framed such an issue, it is also within its discretion to decide it as a preliminary issue.

13. Since the Court below has not expressed any opinion in the impugned order on the aspect of its jurisdiction and has merely proposed to decide the issue relating to its jurisdiction as a preliminary issue, no prejudice is caused to the petitioners.

14. I therefore do not find any reason to interfere with the orders passed by the Court below in exercise of jurisdiction under Article 227 of the Constitution of India.

15. These Civil Revision Petitions fail and are accordingly dismissed. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-07-2019

Vsv

