

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

CRP.No.6508 of 2018

O R D E R:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.22.10.2018 in I.A.No.644 of 2018 in O.S.No.342 of 2018 of the I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar insofar as the said Court, while permitting the petitioner to take back original Possessory Agreement of Sale dt.23.02.1996 by substituting it with a Certified Copy thereof, imposed a condition that petitioner should not create any third party interest in respect of the suit schedule property.

2. Counsel for the petitioner contends that such a condition ought not to have been imposed by the Court below for permitting him to take back the original Possessory Agreement of Sale in question, particularly because he is the plaintiff in the suit and he cannot be made to suffer an adverse order in his own suit without there being any application from the respondent that he should not create any third party interest in the suit schedule property.

3. Counsel for the respondent is not able to justify how the Court had jurisdiction to impose such a condition against the plaintiff in his own suit as a condition for taking back the original Possessory Agreement of Sale dt.23.02.1996 filed by him.

4. Therefore to the extent the Court below imposed the condition that the petitioner shall not create any third party interest in respect of the suit schedule property, while allowing I.A.No.644 of 2018 in the suit, the said condition is set aside and the petitioner is directed to file original Possessory Agreement of Sale dt.23.02.1996 at the stage of trial.

5. Accordingly, this Civil Revision Petition is allowed. No order as to costs.

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

28th June, 2019.

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M.S. RAMACHANDRA RAO, J

