IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION NO: 1095 OF 2020

Petition under Article 227 of the Constitution of India, against the Order and decree dated. 22.02.2020 made in I.A.No.1055 of 2019 in CMA No.69 of 2019 on the file of the Court of the X Additional Chief Judge, City Civil Courts, at Hyderabad.

Between:

Bekkari Sanjay Reddy, S/o. Late Bekkari Krishna Reddy, Aged about 48 years, Occ. Service, R/o. Flat No.601, Anvith Avenue, Street No.16, Himayathnagar, Hyderabad.

...Petitioner/Appellant/Petitioner/Plaintiff

AND

Anvith Avenue Flat Owners Welfare Association, H.No. 3-6-218, Street No.16, Himayathanagar, Near Vasavi Public School, Hyderabad- 500 028 Represented by its President.

...Respondents/Respondent/Respondent/Defendant

I.A.NO.2 OF 2020:

Petition under Order 39 rule 1 & 2 R/w. Section 151 of CPC praying that this Hon'ble Court may be pleased to grant a temporary injunction in favour of the petitioner and against the Respondent thereby restraining the Respondent and all persons acting on its behalf from interfering with the possession and enjoyment of the petitioner over the petition schedule property pending disposal of the main CRP.

Petition Schedule Property

All that of flat Nos.601 & 602, bearing Municipal No.3-6-218/601 & 3-6-218/602 on 6th Floor, (Pent House) in Anvith Avenue, admeasuring 5000 sq.Ft. together with proportionate undivided share of land of 131 Sq.Yds out of 1381 Sq.Yds including single room and toilet situated on the open unconstructed area on the 6th floor and common areas and earmarked two (2) car parking spaces in the premises bearing No.3-6-218 (new) Old A-10-615, situated at Himayathnagar, Hyderabad.

Boundaries of Entire Land

North: Neighnour's Property
South: Neighnour's Property
East: 25-0 wide road

West: Neighnour's Property

Boundaries of Flat No.601 & 602

North: Open to sky

South: Open to Sky

East: Open to Sky/ Corridor

West: Open to Sky

Counsel for the Petitioner: SRI A. VENKATESH

Counsel for the Respondents: SRI D. V. SUDHIR KUMAR

The Court made the following: ORDER

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.1095 of 2020

ORDER:

Heard learned counsel for petitioner and Sri D.V.Sudhir Kumar, learned counsel for respondent.

This Revision is filed challenging the order dt.22-02-2020 in I.A.No.1055 of 2019 in C.M.A.No.69 of 2019 of the X Additional Chief Judge, City Civil Court at Hyderabad.

On 21-01-2020, this Court had granted an order restraining the respondent from interfering with the possession and enjoyment of the petitioner over the suit schedule property.

Since the apprehension of the respondent, for the present, is that petitioner is preventing its members from using the terrace, which is the subject property, the interim injunction granted by this Court is confined only to restraining the respondent by way of injunction from proceeding with any construction in the suit schedule property. I make it clear that pending disposal of C.M.A. by the Court below, both parties shall have access to the subject property i.e. terrace in the 6th floor of the subject apartments.

The Court below is directed to decide the C.M.A.No.69 of 2019 as expeditiously as possible preferably on the next date of hearing which is said to be on 04.01.2021.

The Civil Revision Petition is disposed of with the above directions. No costs.

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

Sd/-I.NAGA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The X Additional Chief Judge, City Civil Courts, at Hyderabad.
2. One CC to Sri A. Venkatesh, Advocate [OPUC]
3. One CC to Sri D. V. Sudhir Kumar, Advocate [OPUC]
4. Two CD Copies

MMK

HIGH COURT

MSRJ

DATED:09/12/2020



ORDER

CRP.No.1095 of 2020

DISPOSING OF THE CIVIL REVISION PETITION WITHOUT COSTS

22/12/2020.