

HON'BLE SRI JUSTICE T. AMARNATH GOUD

C.R.P.Nos.944 AND 948 OF 2021

COMMON ORDER:

1 Civil Revision Petition No.948 of 2021 was directed against the order dated 29.04.2021 passed in I.A.No.805 of 2020 in O.S.No.322 of 2020 on the file of the Court of the Principal Junior Civil Judge, Sangareddy, wherein and whereby the trial Court dismissed the said I.A., filed by the respondent Nos.1 to 3 herein / plaintiffs seeking to grant temporary injunction.

2 Civil Revision Petition No.944 of 2021 was directed against the order dated 01.06.2021 passed in I.A.No.1226 of 2020 in I.A.No.805 of 2020 in O.S.No.322 of 2020 on the file of the Court of the Principal Junior Civil Judge, Sangareddy, wherein and whereby the trial Court allowed the said I.A. filed by the respondent Nos.1 to 3 herein / plaintiffs seeking to grant police protection.

3. The facts germane for consideration in this Civil Revision Petition, in nutshell, are that respondent Nos.1 to 3 herein filed O.S.No.322 of 2020 on the file of the Court of the Principal Junior Civil Judge, Sangareddy, for permanent injunction restraining the petitioners herein and others from interfering with the land in Sy.No.346/AA/2 admeasuring Ac.0-085 guntas of Kalvakunta village. The case of the respondents being the plaintiffs in the said suit was that they and one R.V.Goverdhan Naik are the joint pattedars, owners and possessors of open land bearing Sy.No.346/AA/2 admeasuring Ac.0.10 ½ guntas, situated at Kalvakunta, Sangareddy Mandal and District. Originally the said survey number belong to Manne Narsimlu, Manne Shivunamma and Manne Krishna all are residents of Kalvakunta from whom they purchased the said land under registered sale deed No.1908 of 2010 on 05.3.2010 for a total sale consideration of Rs.5,25,000/- and since then they are in peaceful possession and enjoyment of the same. The petitioners and said Goverdhan Naik are having their undivided shares in the suit land to the extent of 50% to Petitioner No.1, Petitioners 2 and

3 and Goverdhan Naik are having 16.66% each. The said Sy.No.346/AA to the extent of Ac.0-08 ½ guntas is the subject matter of the suit.

3 It is further stated that since the petitioners herein and others are trying to interfere with their possession over the said property without any manner of right, the respondent Nos.1 to 3 filed the suit seeking permanent injunction. The respondents/plaintiffs filed I.A.No.805 of 2020 under Order XXXIX Rules 1 and 2 read with Section 151 CPC, seeking temporary injunction. The respondents also filed I.A.No.1226 of 2020, seeking police protection.

4 The petitioners herein filed their counter denying the pleadings of the respondents / plaintiffs by contending that the respondents are neither owners nor possessors of land in Sy.No.346/AA and without possession of any piece of land, the suit for perpetual injunction is not maintainable. The respondents / plaintiffs nor their vendors are not in possession of the subject land at any point of time. Further, there are no grounds for granting temporary injunction and police protection, hence prayed to dismiss the petitions.

5 The trial Court by order dated 29.04.2021 dismissed I.A.No.805 of 2020, observing that if injunction is not granted, no inconvenience or hardship would be caused to the petitioners, but if injunction is granted, the respondents would suffer more hardship and inconvenience. However, the trial Court in order to safe guard the suit schedule property, directed both parties to maintain status-quo till the disposal of the main suit. The trial Court by order dated 01.06.2021, allowed I.A.No.1226 of 2020 filed by the respondents/petitioners granting police protection for implementing the status-quo order granted in I.A.No.805 of 20120 over the suit schedule property. As stated supra, aggrieved thereby the petitioners/respondents /defendants preferred the above Civil Revision Petitions.

6 Attacking the finding given by the trial Court, the learned counsel for the petitioners argued that after dismissing the injunction petition,

granting of status-quo and also granting police protection are bad in law and therefore, they are liable to be set aside.

7. To prove their respective case, the respondents/petitioners filed Exs.P1 to P6 and the petitioners/respondents filed Exs.R1 to R39. On considering the rival contentions, the trial Court found that the property in Sy.No.346/AA to an extent of Ac.0.16 guntas was sold long back in the year 1981 in favour of P.Mallanna, who made layout and sold such plots to different purchasers who have been in possession of the same since long time. There is serious dispute of location of suit schedule property and whether such property is in existence and if so at which place and such dispute can be resolved by taking proper steps by appointing an Advocate Commissioner or any other proper step by either parties or by adducing evidence at the time of trial in the main suit.

8. The trial Court rightly observed that if the injunction is granted, the petitioners/respondents would suffer more hardship and inconvenience, but in order to safe guard the suit schedule property, granted status-quo and also granted police protection. The trial Court is justified in granting status-quo and police protection to safe guard the suit schedule property and this Court see no reasons to interfere with the said orders. Hence the Civil Revision Petitions are liable to be dismissed.

9. Accordingly, the Civil Revision Petitions are dismissed, confirming the order dated 01.6.2021 passed in I.A.No.1226 of 2020 in I.A.No.805 of 2020 in O.S.No.322 of 2020 and also the order dated 29.04.2021 passed in I.A.No.805 of 2020 in O.S.No.322 of 2020 on the file of the Court of the Principal Junior Civil Judge, Sangareddy. No order as to costs. Miscellaneous petitions, if any, pending in this Civil Revision Petition shall also stand dismissed.

T. AMARNATH GOUD, J.

Date:02.7.2021.

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