

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

C.R.P.No.1073 of 2020

ORDER:

Heard the learned counsel for the petitioner and Sri P.Shashi Kiran, learned counsel for the respondents.

2. Petitioner's grievance is that the 1st respondent herein has filed the suit in O.S.No.369 of 2018 seeking injunction against the petitioner for the land admeasuring Ac.4.14 gts situated in Sy. No.8/1 at Vedanthapuram village, Aswaraopeta Mandal, Bhadradri Kothagudem District before the Special Assistant Agent and Sub-Divisional Magistrate, Mobile Court at Bhadrachalam.

3. The Court below did not grant injunction and the said suit is pending consideration.

4. Suppressing the said fact, the 1st respondent also filed another suit in O.S.No.244 of 2020 before the Court below seeking injunction for the same subject land and also for the land in Sy. No.4 to an extent of Ac.1.11 gts. Along with suit, the 1st respondent also filed I.A.No.226 of 2020 seeking temporary injunction restraining the petitioner not to interfere with the peaceful possession and enjoyment of the said lands.

5. The petitioner contends that the respondents cannot pursue the remedy in respect of the very same extent of land by filing two suits and that the Court below was pleased to grant injunction on

04-09-2020 in I.A.No.226 of 2020 in O.S.No.244 of 2020. Challenging the same, the present Civil Writ Petition is filed.

6. Learned counsel for the petitioner has contended that the Court below ought not to have interfered in respect of land in Sy. No.8/1 to an extent of Ac.4.14 gts and that the issue in respect of the said land is to be adjudicated by the Court below in O.S.No.369 of 2018. Therefore, the orders passed by the Court below in I.A.No.226 of 2020 in O.S.No.244 of 2020 be modified and the injunction in respect of land admeasuring Ac.4.14 gts in Sy. No.8/1 be deleted from the said injunction order.

7. Learned counsel for the respondents contends that the respondents would pursue the remedies in O.S.No.369 of 2018 in respect of land admeasuring Ac.4.14 gts in Sy. No.8/1 pursuant to the injunction order dt.04-09-2020.

8. This Court, having heard the rival submissions made by both the learned counsel, is of the considered view that the Revision Petition can be disposed of clarifying that the injunction orders dt.04-09-2020 in I.A.No.226 of 2020 in O.S.No.244 of 2020 is modified and the injunction granted in respect of petitioner therein is confirmed only in respect of certain land in Sy. No.4 to an extent of Ac.1.11 gts. Further, the injunction granted in respect of land in Sy. No.8/1 to extent of land Ac.4.14 gts is deleted from the said injunction order.

9. Accordingly, the Civil Revision Petition is disposed. However, liberty is given to the 1st respondent to pursue the remedy in accordance with law. The Court below did not get influenced by the observations made in the present order and proceed with O.S.No.244 of 2020 and pass appropriate orders in accordance with law. No costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

Date: 11-02-2021

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