

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA
CIVIL MISCELLANEOUS APPEAL No.312 OF 2016**

JUDGMENT: (Per Hon'ble Dr.SA,J)

This appeal, under XLIII Rule 1(r) of C.P.C., is filed by the appellant/plaintiff, aggrieved by the order and decree, dated 01.02.2016, passed in I.A.No.562 of 2015 in O.S.No.1113 of 2015 by the learned XIV Additional District Judge, Ranga Reddy District at L.B. Nagar, Hyderabad, whereby the subject I.A. filed by the appellant/plaintiff, under Order XXXIX Rules 1 and 2 of C.P.C., seeking to restrain the respondent No.12/defendant No.12 from carrying out corrections or making entries in the revenue records in respect of the petition schedule property, was dismissed.

2. Heard the learned counsel for respondent Nos.1 and 3 to 11/defendant Nos.1 and 3 to 11 and perused the record.

3. During pendency of the appeal, since the sole appellant died, his legal representatives were brought on record as appellant Nos.2 to 8 *vide* order, dated 15.12.2016, passed in CMA.MP.No.1942 of 2016.

4. Despite listing the matter under the caption 'for orders', there is no representation for the appellants.

5. Learned counsel for respondent Nos.1 and 3 to 11 would contend that the Court below while determining the subject I.A. recorded a finding that already there was partition in between the appellant/plaintiff and respondent Nos.1 and 2/defendant Nos.1 and 2. The Court below ought not have recorded such a finding. It needs to be recorded in the final judgment, after conclusion of trial of the subject Suit. It is further submitted that there was oral partition in between the appellant/plaintiff and the respondent Nos.1 and 2/defendant Nos.1 and 2 in the year 1990 and there was a settlement in between them, which is also required to be determined at the conclusion of trial. Learned counsel would further submit that since the subject Suit is of the year 2015, a direction to the Court below to dispose of the subject Suit expeditiously would suffice.

6. There is substance in the submissions made on behalf of the respondent Nos.1 and 3 to 11. The subject Suit is of the year 2015. As per the circular orders of this Court, the cases which are pending for more than five years are required to be disposed of expeditiously. By this time, the subject Suit ought to have been disposed of. At this

stage, it is not appropriate to this Court to delve into the merits of the impugned order.

7. Under these circumstances, the learned XIV Additional District Judge, Ranga Reddy District at L.B. Nagar, Hyderabad, is directed to dispose of the subject Suit in O.S.No.1113 of 2015 pending on its file, in accordance with law, expeditiously, preferably within a period of four (4) months from the date of receipt of a copy of this order. Further, the Court below shall not get influenced by any of the observations or findings recorded in the impugned order and it shall dispose of the subject Suit basing on the evidence available on record.

8. With the above directions, the appeal is disposed of.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

NAGESH BHEEMAPAKA, J

Date: 21.12.2022

MD