APHC010285692020

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3460]**
(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

CIVIL REVISION PETITION NO: 1107/2020

Between:

Kuruva Urukundu Shp Kunti Ampalahgalla Kuruva Chinna Mallaiah Alias Rogenna, and Others **...PETITIONER(S)**

AND

Kuruva Bajari and Others **...RESPONDENT(S)**

Counsel for the Petitioner(S):

1. L V S NAGARAJU

Counsel for the Respondent(S):

1. VIRUPAKSHA DATTATREYA GOUDA

The Court made the following order:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

CIVIL REVISION PETITION No.1107 OF 2020

ORDER:

1. This Civil Revision Petition is filed questioning the order dated 10.03.2020 passed in C.M.A.No.5 of 2019 on the file of the II Additional District Judge, Kurnool at Adoni in reversing the order and decree, dated 07.02.2019 in I.A.No.475 of 2018 in O.S.No.191 of 2018 on the file of Junior Civil Judge, Yemmiganur. Kurnool District.

2. The petitioners are the defendants. The respondents filed the suit seeking declaration of title and consequential injunction restraining defendants from interfering with the suit schedule property. The suit schedule property consists of two suit schedule properties i.e., item No.1 and item No.2 in Sy.No.333/C, extent of Ac.1.50 cents each, located at Kanakaveedu Village of Nandavaram Mandal.

3. Along with the suit, the petitioner filed I.A.No. 475 of 2018 seeking temporary injunction restraining defendants from interfering with the suit schedule property. The said application, on contest, was dismissed by the trial court *vide* orders dated 07.02.2019.

4. The plaintiffs, thereafter, filed C.M.A.No.5 of 2019 before the II Additional District Judge, Kurnool, under Order 43, Rule 1 of C.P.C. The District Appellate Court, on hearing, set-aside the order of the trial court and allowed C.M.A.No.5 of 2019 *vide* order, dated 10.03.2020. Questioning the same, the Civil Revision Petition is filed.

5. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

6. A perusal of the material available on record shows that this Court did not pass any interim order interdicting the injunction granted by the District Appellate Court in C.M.A.No.5 of 2019. Both the contesting parties had relied upon elaborate documentary evidence before the trial court and considering the documentary evidence, the District Appellate Court had passed the interim injunction by allowing the appeal. Since the order of injunction is in force from March, 2020, this Court is of the opinion that rather than examining the case on merits and interfering with the well reasoned order of the District Appellate Court, it would be appropriate for the trial court to dispose of the suit at the earliest.

7. It is submitted at the bar that the suit has been posted for trial on 31.01.2025.

8. Considering the fact that the suit scheduled for trial, the trial court is requested to dispose of the suit, as expeditiously as possible, within an outer limit of one (01) year from the date of receipt of copy of this order.

9. Both the counsels shall cooperate with the disposal of the suit.

10. Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs.

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

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NYAPATHY VIJAY, J

Date: 02.01.2025
PKR

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

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CIVIL REVISION PETITION No.1107 OF 2020

Date: 02.01.2025
PKR