

(2022) 08 TEL CK 0010

In the Telangana High Court

Case No : Civil Revision Petition No. 1001 Of 2021

Kandhakatla Krishna Reddy

APPELLANT

Vs

Kaveti Srinivas Rao

RESPONDENT

Date of Decision : 02-08-2022

Acts Referred:

Citation : (2022) 08 TEL CK 0010

Hon'ble Judges : P. Sree Sudha, J

Bench : Single Bench

Advocate : M Venkat Ram Reddy, Kiran Palakurthi

Final Decision : Dismissed

Judgement

1. This Civil Revision Petition is filed against the orders in C.M.A. No. 6 of 2020, and I.A. No.896 of 2020, Dated 02.06.2021 on the file of the Principal District Judge at Nalgonda, wherein filed against the orders passed in I.A. No. 1324 of 2019 in O.S. No. 380 of 2019, Dated 22.05.2020 on the file of Senior Civil Judge, Nalgonda.

2. Petitioner herein is the plaintiff in O.S. No. 380 of 2019. He filed the suit for injunction. During the pendency of the suit filed I.A. No. 1324 of 2019 for temporary injunction. The trial Court granted injunction on 22.05.2020 in favour of the petitioner by vacating the earlier Status Quo order dated 20.11.2019.

3. Aggrieved by the same, defendant in the suit preferred the appeal, the appellate Court allowed the C.M.A. by setting aside the order of the trial Court. Aggrieved by the same, petitioner filed the C.R.P and contended that appellate Court erred in allowing the I.A. No. 896 of 2020 as they were filed subsequent to the orders in I.A. No. 1324 of 2019 in OS No. 380 of 2019, dated 22.05.2020 and that the appellate Court failed to appreciate that the said documents are pertaining to the subsequent events and they have no evidentiary value. He mainly contended that the land of the petitioner herein is located in Sy.Nos.169/3/1 and 169/3/2 with different boundaries. The trial Court rightly

observed the same but the appellate Court without considering the said fact allowed the appeal and it is to be set aside. Plaintiff in the suit stated that he is absolute owner and possessor of the suit land in sy.No. 169/3/1 admeasuring Ac.0.21 gts and Sy.No. 169/3/2 admeasuring Ac.0.21 gts total Ac.01.22 gts at Chinthapally Village, Nalgonda District. He purchased the land from Mohammad Mahaboob @ Mahaboob, Mohammad Riaziya, Mohammad Sayad Pasha and Mohammad Hazir Begum through a registered sale deed No.16389/2019, dated 27.08.2019 for Rs.10,00,000/-. Since then he has been in possession and enjoyment of the same. One Jainabee was the original owner of the land in Sy.No. 169 admeasuring Ac.1.02 gts during her life time and the said Jainabee died in the year 2012 by leaving her sole daughter Mohammad Jahangir Bee and after the death of said Jainabee, her daughter succeeded the suit land. During her life time the said Mohammad Jahangir Bee and her elder son Mohammad Afsar gifted the suit land to her two sons namely Mohammad Mahaboob and Mohammad Sayyad Pasha through a registered gift settlement deed bearing No. 8272/2019 dated 07.05.2019 and it was mutated in their names and both of them sold the suit land to the plaintiff. Whereas the defendant in his written statement and also in a counter in the I.A stated that one K. Swarna Latha purchased the property through registered sale deed vide document No. 2205 of 2006 dated 06.03.2006. Her name was entered in the revenue records and digital pass book and title deed were given in her favour. She also filed an application for conversion of agricultural land into non-agricultural land. One Bande Kareem, Abdul Kareem and Mahaboob are the original pattedars in Sy.No. 169 to a total extent of Ac.17.24 gts. As such each of them will get Ac.06.21 gts. In the name of Jaina bee who is the wife of Mahaboob an extent of Ac.04.22 gts was recorded. One Mohd. Gorey Miya purchased the agriculture land to an extent of Ac.03.03 gts from Jainabee through registered sale deed vide document No.900 of 1991 dated 25.03.1991. Later the vendor of the K. Swarna Latha purchased the said land from Thipparthi Raju. The trial Court observed that K. Swarna Latha is not a party to the proceedings and she has not filed any GPA also as per the documents filed and in view of the different boundaries and different survey numbers of both the parties petitioner/plaintiff is having prima facie case and accordingly granted injunction but the appellate Court allowed the said I.A. filed for receiving of the documents and also stated as on the date of sale he was having Ac.0.23 gts. As such execution of registered sale deed for Ac.01.02 gts does not arise. The southern boundary of the gift deed was shown as PWD road and it was also observed that initially defendant filed O.S. No. 358 of 2019 and obtained ad interim injunction on 03.09.2019 after ten days plaintiff filed the suit for injunction and thus considering the other facts he set aside the order of the trial Court. Admittedly, the title of the ownership is claimed by both the parties from Jainabee who is predecessor in title and also the fact that both the suits are filed for the same relief and both the suits shall be numbered together to avoid multiplicity of the proceedings. O.s. No. 358 of 2019 and O.S No. 380 of 2019 are filed for the same reliefs.

4. For the reasons stated by the appellate Court the order of the trial Court was set aside and this Court does not find any reason to interfere with the order of the appellate Court as suits are filed for injunction. The parties are directed to proceed with the main suits seeking the relief of injunction. The scope of the revisional jurisdiction of the High Court is limited. There is no necessity to go into the documents received by the appellate Court. Matter is remanded to the trial Court with a direction to give opportunity to both the parties for disposal of both the matters.

5. In the result, the Civil Revision Petition is dismissed by confirming the orders in C.M.A. No. 6 of 2020 and IA No. 896 of 2020, Dated 02.06.2021 on the file of the Principal District Judge, Nalgonda and set aside the orders in I.A. No. 1324 of 2019 in O.S. No. 380 of 2019 dated 22.05.2020 on the file of the Senior Civil Judge, Nalgonda.

6. As a sequel, pending miscellaneous petitions, if any, shall stand dismissed as infructuous. No order as to costs.