

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.4 OF 2015

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondents.

2. The petitioner is plaintiff in O.S.No.94 of 2010 on the file of the court of the Special Judge for Trial of Cases Under SCs and STs (POA) Act-cum-X Additional District and Sessions Judge, East Godavari at Rajahmundry (for short, the trial Court). The suit was filed for partition of the plaint schedule property items 1, 2 and 8 into 3 equal shares and allot one such share to the petitioner and partition of plaint schedule items 3 to 7 (A and B) into 8 equal shares and allot 1/24th share to the petitioner and also for other reliefs.

3. The trial Court granted order of *status quo* in I.A.No.133 of 2011 on 23.09.2011. It was alleged that the fifth defendant (first respondent herein) sold an extent of 233 square yards of vacant site in violation of the said order of *status quo* by a sale deed dated 30.07.2012. In those circumstances, the petitioner filed I.A.No.512 of 2013 for taking action against the fifth defendant for willful disobedience of the orders of the trial Court. The trial Court closed the said petition with the following order:

“ The evidence can be adduced in the suit pertaining to this petition. Without prejudice to rights of both parties, the petition is closed.”

4. The trial Court ought to have passed some reasoned order other than the reasons mentioned in the impugned order. This Court is of the opinion that the rights of the parties were left open on adducing evidence relating to the violation of the *status quo* orders. In view of the same, it is left open to the petitioner to adduce evidence in the main suit with regard to violation of order of *status quo* and the trial Court shall pass

appropriate orders, if it finds that there was violation of order of *status quo* granted by it on 23.09.2011 in the main suit.

5. With the above observation, the Civil Revision Petition is disposed of at the admission stage. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAMALINGESWARA RAO, J

Date: 02.11.2015
TJMR