

HONOURABLE SRI JUSTICE S.RAVI KUMAR

C.M.A.No.12 OF 2016

Dated 4-4-2016

Between:

Bandi Chandra Sekhar and others.

..Appellants.

And:

C.R.Krishna Jee.

..Respondent.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

C.M.A.No.12 OF 2016

JUDGMENT:

This appeal is preferred questioning the order dated 30-5-2015 in I.A.No.3193 of 2014 in O.S.No.446 of 2014 on the file of Principal District Judge, Guntur.

Appellants herein are defendants 1 to 11 in the above referred suit and in the above referred I.A., plaintiff sought temporary injunction to restrain the defendants, their men from in any way interfering with the land referred to in B.Schedule of the petition and court below on a consideration of contentions and rival contentions of both parties, granted temporary injunction against the defendants with the following condition.

"That the respondents be and hereby are restrained from interfering in the peaceful possession and enjoyment of an extent of Ac.15.00 in S.No.722 known as Nallacheruvu situated at Yerabalem village, as described in plaint 'B' schedule, barring the customary right of the respondents and other villagers of Yerrabalem village to use water in the tank situated in the schedule mentioned property for their drinking purposes and to their cattle, which customary right was recognized and held way back in the year 1931 in the suit filed O.S.No.1226/1927 by the then District Munsif, Guntur about 90 years ago, as well their right to use the road load abutting the above said tank shown laid

quite a long time ago as shown in photograph Nos.2 and 3 of Ex.B.23, and also the right of the villagers to visit and worship in the temple as shown in photograph No.4 in Ex.B.23.”

The main grievance of the appellant is that in pursuance of the order, the plaintiff is not allowing the defendants even to take water from the tank situated in the schedule property which is an exclusive right given to the village of Yerrabalem, as per the decree in O.S.No.1226 of 1927 way back in 1931,

Plaintiff i.e., respondent herein filed affidavit giving undertaking that the petitioner would not come in the way of the villagers of Yerrabalem village to use water in the tank situated in the schedule mentioned property for their drinking purposes and their cattle and also undertook not to disturb the use of road abutting the above said tank and also further undertook not to disturb the villagers from having access to visit and worship the temple in accordance with the orders dated 30-5-2015 passed in I.A.No.3193/2014 in O.S.No.446/2014 on the file of the Principal District Judge, Guntur.

Advocate for appellants submitted that in view of undertaking given by plaintiff, no further orders are necessary and the appeal may be disposed of in terms of undertaking given in para four of the affidavit.

Accordingly, this Civil Miscellaneous Appeal is disposed of by recording the undertaking given by the plaintiff as referred to above. No costs.

As a sequel to the disposal of this appeal, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI
KUMAR

Dated 4-4-2016.

Dvs.

