

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT JUSTICE ANIS**

CIVIL MISCELLANEOUS APPEAL NOS.738 AND 824 OF 2016

C O M M O N J U D G M E N T

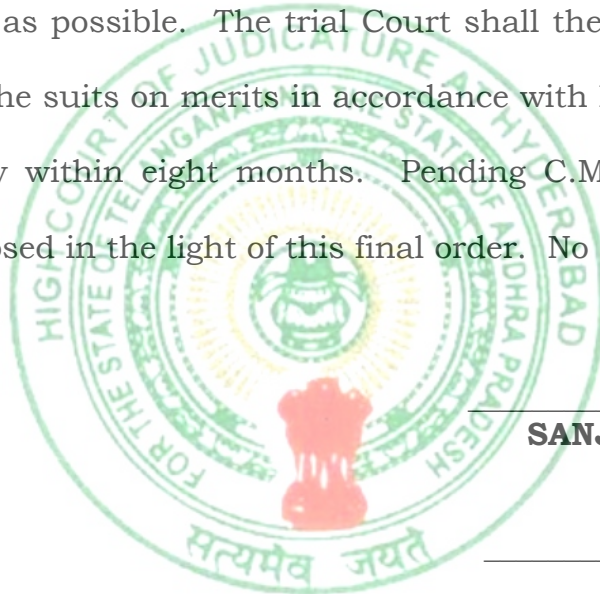
(Per Hon'ble Sri Justice Sanjay Kumar)

These two appeals are amenable to common disposal though they arise out of different suits as both the suits were filed against the Gram Panchayat, Chinamiram, Bhimavaram Mandal, West Godavari District. The plaintiffs in the two suits sought declaration of their ownership over the plaint schedule properties and a perpetual injunction restraining the panchayat and its subordinates from interfering with their possession over the same. Interlocutory applications were filed in both suits by the plaintiffs seeking grant of temporary injunctions against the Gram Panchayat. I.A.No.1096 of 2015 was filed by the four plaintiffs in O.S.No.90 of 2015 for the said relief, while I.A.No.160 of 2016 was filed by the sole plaintiff in O.S.No.12 of 2016 for the same relief. By separate orders dated 29.07.2016 passed in both the I.As., the trial Court dismissed them. Aggrieved thereby, the plaintiffs filed these appeals before this Court.

Significantly, C.M.A.M.P.No.1507 of 2016 in C.M.A.No.738 of 2016 filed by the unsuccessful plaintiff in O.S.No.12 of 2016 seeking an ad interim injunction restraining the Gram Panchayat from interfering with his possession was dismissed by this Court on 27.09.2016. Similar plea advanced by the plaintiffs in O.S.No.90 of 2015, who filed C.M.A.M.P.No.1644 of 2016 in C.M.A.No.824 of 2016, is still pending consideration. However, when the matter was taken up for hearing of this miscellaneous petition, it was pointed out to Sri B.Chandrasekhar, learned counsel for the appellants in both the appeals, that in the light of the dismissal of the identical application

in C.M.A.No.738 of 2016, the appellants in C.M.A.No.824 of 2016 could not stand in a better position. Thereupon, Sri B.Chandrasekhar, learned counsel, stated that as the suits are still pending consideration, it would suffice if a direction is given to the trial Court to dispose of the suits expeditiously.

Accepting this fair offer made by the learned counsel, the Civil Miscellaneous Appeals are disposed of confirming the orders under appeal. However, in the light of the fact that rights are sought to be asserted by the plaintiffs in the suits against the State, it would be in the interest of all parties concerned that a quietus is given to the issue as soon as possible. The trial Court shall therefore endeavour to dispose of the suits on merits in accordance with law expeditiously and preferably within eight months. Pending C.M.A.M.Ps., if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR, J

ANIS, J

9th NOVEMBER, 2016

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