



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

[3206]

**FRIDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

CIVIL REVISION PETITION NO: 2630/2024

Between:

Karanam Rajasekhar Rao

...PETITIONER

AND

Karanam Leela Mohana Rao

...RESPONDENT

Counsel for the Petitioner:

1.CH NAGENDRAMU

Counsel for the Respondent:

1.

The Court made the following Order:

On 08.11.2024, this Court had directed personal notice to the respondent.

2. The cover produced by the learned counsel for the petitioner shows that the notice sent to the respondent was returned with the noting "no such person in this address". However, the respondent while filing C.M.A.No.10 of 2024, had given the very same address as his place of residence. In such circumstances, it is difficult to accept that the noting is a genuine reflection of the address of the respondent being wrong.

3. Heard Ms. C.H. Nagendramu, learned counsel appearing for the petitioner.

4. The petitioner, who is the tenant of the brother of the respondent had filed O.S.No.24 of 2022 before the learned Principal Junior Civil Judge, Narasaraopet, for a permanent injunction restraining the respondent from evicting him except in accordance with law.

5. The petitioner was also granted a temporary injunction by the learned Principal Junior Civil Judge, Narasaraopet in I.A.No.78 of 2022 in O.S.No.24 of 2022, dated 21.11.2022.

6. Aggrieved by this order, the respondent is said to have moved C.M.A.No.10 of 2024 before the learned Additional Civil Judge (Senior Division), Narasaraopet.

7. This Appeal was allowed by the Appellate Court, by a judgment, dated 06.08.2024.

8. Aggrieved by the said order, the present Civil Revision Petition has come to be filed.

9. The basic facts in the case are that the petitioner claims that he is the tenant, of the brother of the respondent, and that his possession over the suit premises is legal. The respondent contends that the property originally belonged to his mother, who had initially executed a will bequeathing the suit schedule property to his brother. However, there was a subsequent will under

which the property was bequeathed to the respondent while the brother of the respondent was given another part of the property.

10. The Trial Court took the view that the petitioner was in possession of the property and he could be evicted only by way of a properly instituted suit or proceedings and granted an interim injunction. The Appellate Court took the view that the possession of the petitioner is illegal and as such, no injunction can be granted or protection of such illegal possession.

11. *Prima Facie*, the view of the Appellate Court may require reconsideration as a finding that possession of the petitioner is illegal would affect the Trial itself. Apart from this, a question of whether injunction can be granted, even in relation to illegal possession is a matter which requires further consideration.

12. In these circumstances, there shall be an interim suspension of the order of the Appellate Court, dated 06.08.2024 in C.M.A.No.10 of 2024 till further orders.

R. RAGHUNANDAN RAO, J

KPV