

## Alladi Suryanarayana and Another Vs Yelluru Muralinath Reddy

**Court:** Andhra Pradesh High Court

**Date of Decision:** Sept. 20, 1996

**Acts Referred:** Civil Procedure Code, 1908 (CPC) â€” Order 39 Rule 1

**Citation:** (1997) 1 ALD 565 : (1997) 1 ALT 396

**Hon'ble Judges:** Ramesh Madhav Bapat, J

**Bench:** Single Bench

**Advocate:** A.T.M. Rangaramanujam, for the Appellant; P.S. Narayana, for the Respondent

**Final Decision:** Allowed

### Judgement

@JUDGMENTTAG-ORDER

Ramesh Madhav Bapat, J.

Heard the learned Counsel for the petitioner.

2. This C.R.P. has been filed by the petitioner aggrieved by the order passed by the learned District Judge in C.M.A. No. 44 of 1995. The

respondent herein was the original plaintiff. He had instituted the suit against the petitioners herein in the Court of the III Addl. District Munsif,

Nellore, in O.S. No. 621/95 for permanent injunction. He had also filed LA. No. 489/95 for interim injunction. It appears from the record that the

plaintiff was entrusted with the contract of construction of the building for the petitioners herein, but for one reason or the other there was breach of

contract and the work was stopped. The defendants did not allow the plaintiff to complete the work and therefore the aforesaid suit was filed and

he had also filed an interim application LA. No. 489/95 for temporary injunction. The said application appears to have been allowed by the

learned District Munsif. Against the said order the petitioners herein carried the matter in appeal by filing C.M.A. No. 44 of 1995 and the said

appeal was dismissed confirming the order passed by the learned District Munsif. Against the said order the present revision has been filed.

3. As a matter of fact it is an established principle of law that a contractor is never in possession of a site or any property which is to be

constructed for the owner. He is only a licensee. The landlord gives licence to the contractor to enter upon his land for purpose of making

construction. This being the settled position of law, there was error on the part of both the Courts below in granting injunction in favour of the

respondent herein. In such circumstances the order of injunction passed by the District Munsif and confirmed by the District Judge is hereby set

aside.

4. Accordingly, the C.R.P. stands allowed. No costs.