
(1996) 09 AP CK 0013

Andhra Pradesh High Court

Case No: C.R.P. No. 1982 of 1996

Alladi Suryanarayana
and Another

APPELLANT

Vs

Yelluru Muralinath
Reddy

RESPONDENT

Date of Decision: Sept. 20, 1996

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - 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.