

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.2621 OF 2015

Date : 9-07-2015

Between :

K Rafeeq s/o K Ismail Sab

R/o Parigi road, Hindupur, Anantapur district and others

Petitioners

And

The Municipal Council,

Hindupur, rep by its Commissioner,

Hindupur municipality, Anantapur district

Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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ORAL ORDER:

This revision petition is filed against not passing orders in I.A. No. 353 of 2009 in O.S. No. 92 of 2009 by the Senior Civil Judge, Hindupur.

2. Heard the learned counsel for petitioners and learned standing counsel for respondent municipality.

3. Learned counsel for petitioner expressed urgency on the ground that there is threat of demolition. As seen from the averments and the docket proceedings, threat of such demolition is hanging on petitioners since October, 2009.

4. Learned standing counsel for respondent municipality submitted that delay is attributed to petitioners only inasmuch as they have not taken proper steps to bring the legal representatives of the first plaintiff consequent on his demise.

5. Revision petitioners are plaintiffs in O S No. 92 of 2009 on the file of the Senior civil Judge, Hindupur. In the said suit, they have filed I A No. 353 of 2009 under Order 39 Rule 1 of CPC praying to grant temporary injunction restraining respondents from interfering with their peaceful possession and enjoyment of petition schedule properties. The matter was heard by Court below on 8.10.2009 and urgent notice was ordered and thereafter matter underwent several adjournments. List of adjournments would disclose that matter was adjourned from time to time to enable the petitioners to take steps to bring legal representatives on record consequent on demise of first petitioner in the said interlocutory application. Even now, no steps are taken. As seen from the docket sheet filed along with the revision petition, it is not correct to contend that Court below was unnecessarily adjourning the matter and the delay in passing the orders is due to non cooperation by petitioner.

6. Thus petitioner has not made out any ground to grant relief as prayed. However, in the interest of justice if the petitioners immediately take steps to comply with the orders passed by the Court below, I.A. 353 of 2009 shall be taken up and appropriate orders as warranted by law shall be passed expeditiously, preferably within a period of two weeks of such compliance.

7. Subject to above direction, revision petition is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:9.7.2015
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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