

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

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**CIVIL REVISION PETITION No.2774 of 2015**

**ORDER:**

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This civil revision petition under Article 227 of the Constitution of India is filed by the petitioners in IA.No.305 of 2013 in OS.No.97 of 2013 on the file of the Court of the Junior Civil Judge, Sathupalli.

2. I have heard the submissions of the learned counsel for the revision petitioners. I have perused the material record including the pleadings of both the sides and also the copy of the docket in IA.No.305 of 2013.

3. The only grievance of the petitioners in this revision is that the interlocutory application filed by them under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure in the aforesaid suit for a perpetual injunction is not being taken up for hearing and final disposal by the Court below and that the said application is being adjourned from time to time either at the request of the learned counsel for the respondents in the said application or without assigning any reasons.

4. A perusal of the docket proceedings and the submissions now made before this Court would make it clear that as a caveat has been lodged, notice was ordered to the respondents and that on the appearance of the respondents a counter affidavit was also filed and that later though several months had elapsed, arguments were not heard and the said IA was not decided on merits.

5. At the time of hearing, the learned counsel for the petitioners has submitted that as on today the interlocutory application stands posted to 19.08.2015. In the facts and circumstances, this Court is of the considered view that this revision can be disposed of at the admission stage giving a direction to the trial Court to decide, within a time frame, the Interlocutory Application on merits and in accordance with the procedure established by law, as such a course meets the ends of justice.

**6.** In the result, the Civil Revision Petition is allowed and the Court below is directed to take up for hearing IA.No.305 of 2013 in O.S.No.97 of 2013 preferably on 19.08.2015 or any other convenient date within a week thereafter and dispose of the said application within a month from 19.08.2015 on merits and in accordance with the procedure established by law. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this CRP shall stand closed.

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**JUSTICE M. SEETHARAMA MURTI**

10<sup>th</sup> August, 2015

Note: Issue CC in two (02) days

(B/o)

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