

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

C.R.P.No.822 of 2014

ORDER:

This Revision Petition is filed challenging the order dt.20-12-2013 in I.A.No.224 of 2013 in I.A.No.213 of 2013 in O.S.No.306 of 2013 of the Sub Divisional Magistrate (Mobile Court), Bhadrachalam, Khammam District.

2. Petitioner herein filed the said suit against the respondent for a perpetual injunction restraining the respondent from interfering with her alleged possession and enjoyment of the suit schedule property.

3. Along with the suit, the petitioner filed I.A.No.213 of 2013 seeking a temporary injunction restraining the respondent from interfering with her alleged possession and enjoyment of the suit schedule property pending disposal of the suit.

4. On 13-12-2013, the Sub Divisional Magistrate (Mobile Court) at Bhadrachalam, granted *ex parte* injunction in I.A.No.213 of 2013 in favour of the petitioner and against the respondent.

5. Later the respondent filed I.A.No.224 of 2013 seeking suspension of the *ex parte order* dt.13-12-2013 or keep the same in abeyance pending further proceedings in the I.A.No.213 of 2013.

6. It appears that the respondent filed a counter affidavit in the said I.A. refuting the contentions of the petitioner.

7. There upon the Court below passed the following order:

“Upon the motion made unto this Court on this day by Sri K.Srimannarayana, Advocate for the petitioner/respondent/defendant, under Rule 42 (c) of the A.P. Agency Rules, 1924 and after perusal of the material documents and the affidavit of the petitioner/defendant and the third party affidavits filed on behalf of the petitioner/defendant, alleging that the respondent/plaintiff trying to interfere and dispossess the petitioner/defendant from possession of the suit property i.e. H.No.1-1-47, under the guise of the ex parte order dated 13-12-2013 issued in I.A.No.213/2013, this Court deem fit and just to keep the ex parte temporary injunction order dt.13-12-2013 in I.A.No.213 of 2013 in O.S.No.306 of 2013 in abeyance pending further proceedings in the I.A.No.213 of 2013.”

8. On a docket maintained by the said Court, it mentioned:

“Perused the documents. Such as third party affidavits of the neighbourhood and the voter I.D. cards and the contentions in the affidavit.

This Court in the circumstances deem fit to keep the T.I.O. dt.13-12-2013 under abeyance until further proceedings in the I.A. so as to maintain ‘status quo’ with regard to the possession on the suit property.

Remain stands on 21-01-2014.”

9. Neither of these orders contained any reasons why the Court kept its earlier order dt.13-12-2013

in I.A.No.213 of 2013 in abeyance. There is no discussion about the contentions of both the parties or of the documents filed by them in support of their respective claims.

10. Therefore, both these orders cannot be sustained. They are accordingly set aside. I.A.No.224 of 2013 will stand restored to the file of the said Court and the said Court is directed to apply its mind and pass a reasoned order in the matter either continuing the injunction granted in favour of the petitioner or vacating it in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

11. The Civil Revision Petition is allowed with the above directions. No costs.

12. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 11-09-2015

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