

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION NO. 3657 OF 2015

ORDER:

The plaintiff in O.S.No.988 of 2015 is the petitioner in this revision, which in-turn is directed against the docket order passed in I.A.No.982 of 2015 on 21.08.2015.

Heard learned counsel for the petitioner.

Learned counsel for the petitioner would submit that suit O.S.No.988 of 2015 is filed for a perpetual injunction restraining the defendants, their men, agents, workers and any person claiming through, them from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property. The suit schedule property comprises of land of an extent of Ac.1.03 gts out of a total extent of Ac.1.20 gts situate in Sy.No.60 of Madinaguda Village, Serilingampalli Mandal and Municipality, Ranga Reddy District. The suit was instituted on 31.07.2015, it appears. Entertaining the suit, an *exparte* order was passed on 03.08.2015 granting ad-interim injunction in I.A.No.921 of 2015. However, the Court has posted the matter to 21.08.2015. On 21.08.2015, the plaintiff filed I.A.NO.982 of 2015 in I.A.No.921/2015 praying the *ad-interim* injunction order granted on 03.08.2015 to be extended till further orders. It appears, in the meantime, a detailed counter affidavit has been filed by the defendants in the suit, who are the respondents in I.A.No.921 of 2015. It appears, separate counter affidavits have been filed by all the defendants/respondents either on 12th or 13th August, 2015. The claims made by the plaintiff/petitioner have been stoutly disputed by them. In those circumstances, a docket order was passed on 21.08.2015 directing the learned counsel for the petitioner/plaintiff to file photographs of the suit property as on 21.08.2015 by 24.08.2015 and till then both parties are directed to maintain status quo as both sides claimed that the suit schedule property is a vacant land. The grievance of the petitioner is that, I.A.No.982 of 2015 together with

I.A.No.921 of 2015 now stands posted to 14.09.2015 and the status quo order is extended until then. Learned counsel for the petitioner would object to the procedure adopted by the learned VIII Additional Senior Civil Judge, in converting an *ad-interim* injunction order to that of status quo order without there being any application moved for any such modification of the ad-interim injunction order.

In normal circumstances, without putting the opposite parties on notice, it would not be appropriate for this Court to pass an *exparte* order in a matter of this nature. But, however, since, the I.A.No.982 of 2015 and I.A.No.921 of 2015 have been posted to 14.09.2015, I consider that the ends of justice would be adequately served by directing the learned VIII Additional Senior Civil Judge to deal with both the IAs on their respective merits on 14.09.2015 or immediately thereafter as is possible and dispose of both those I.As by assigning appropriate reasons.

With this, the civil revision petition stands disposed of at the admission stage. In view of the innocuous nature of the order that is passed today, the notice to the opposite parties is felt not required.

Consequently, miscellaneous applications pending if any shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

04.09.2015
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