

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.3802 of 2014

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ORDER:

Heard Sri K.V.Bhanu Prasad, learned counsel for the petitioners and Sri G.Praveen Kumar and Sri J.Venkateswara Reddy, learned counsel appearing for the respondents.

This Civil Revision Petition was filed alleging inaction on the part of the learned II Additional Senior Civil Judge, Warangal in disposing of I.A.No.603 of 2014 in O.S.No.574 of 2014.

The said I.A. was filed for a temporary injunction under Order XXXIX Rules 1 and 2 CPC.

This Court called for the entire record in the case and the same was accordingly transmitted by the Court below. Perusal thereof reflects that having filed the subject injunction petition, the petitioners/plaintiffs filed I.A.No.955 of 2014 in I.A.No.603 of 2014 in O.S.No.574 of 2014 under Section 45 of the Indian Evidence Act, 1872 seeking examination of certain signatures in the suit documents by the Director of Central Forensic Science Laboratory, Government of India, Ramanthapur at Hyderabad. The said I.A. was allowed by the trial Court on

16.12.2014. The trial Court therefore passed an order on 31.12.2014 that the report from the Forensic Laboratory necessarily has to be obtained before further steps could be taken in I.A.No.603 of 2014 in O.S.No.574 of 2014.

The afore-stated facts are not in dispute.

This Court is of the opinion that in the light of the above mentioned circumstances, the trial Court cannot be accused of any inaction in taking up the injunction petition and passing orders thereon. The petitioners/plaintiffs having themselves filed a separate I.A. in the injunction petition cannot blame the Court below because the subsequent petition was allowed and the same required a report to be obtained from the authority.

The Civil Revision Petition is therefore devoid of merit and is accordingly dismissed.

Office is directed to immediately transmit the entire file pertaining to O.S.No.574 of 2014 to the Court of the learned

II Additional Senior Civil Judge, Warangal, forthwith.

Pending miscellaneous petitions shall also stand closed. No order as to costs.

SANJAY

KUMAR, J

12th MARCH, 2015.

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