

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL MISCELLANEOUS APPEAL No.447 of 2015

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JUDGMENT:-

This Civil Miscellaneous Appeal under Order XLIII Rule 1(a) of Code of Civil Procedure by the appellants/respondents is directed against the order dated 25.02.2015 of the learned VIII Additional District Judge, Chittoor, passed in I.A.No.7 of 2015 in O.S.No.7 of 2015.

2. I have heard the submissions of the learned counsel for the appellants, who are the respondents in the said Interlocutory Application. I have perused the order, which is impugned.

3. By the impugned order, an *ex parte* order of injunction was granted by the Court below in favour of the plaintiff i.e., the respondent herein for a limited period i.e., till 26.03.2015. Subsequently, the defendants/appellants herein have put in appearance before the Court below and filed counter in the said interlocutory application. In their presence, the said order was extended until further orders and the said Interlocutory Application is now coming for enquiry before the Court below. In the circumstances, the learned counsel confines the prayer in the present appeal to seeking a direction to the Court below to dispose of the Interlocutory Application as expeditiously as possible and preferably within a period of one month from today.

4. As per the provision of Rule 3 A of the Order XXXIX of the Code an interlocutory application of the present kind shall be disposed of within a period of one month from the date on which the injunction was granted. Having given earnest consideration to the

facts and circumstances of the case, this Court is satisfied that the direction can be given to the Court below, as desired by the learned counsel for the appellants, as such a course sub serves the ends of justice.

5. Accordingly, this Civil Miscellaneous Appeal is disposed of at the stage of admission directing the Court below to dispose of I.A.No.7 of 2015 in O.S.No.7 of 2015 on merits and in accordance with the procedure established by law, within a period of four (04) weeks from the date of the receipt of a copy of this judgment. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this appeal, shall stand dismissed.

M. Seetharama Murti, J

22nd July, 2015
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Note:-

Furnish C.C. by 24.07.2015
(B/o)
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