

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.469 of 2015

DATE: 20.03.2015

Between:

K.M.Gourish and another

...Petitioners

and

K.M.Pratap

...Respondent

COUNSEL FOR THE PETITIONERS : SRI GADDAM SRINIVAS

COUNSEL FOR THE RESPONDENT : SRI K.JYOTHI PRASAD

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.469 of 2015

-
ORDER:

This Civil Revision Petition arises out of order dated 10.12.2014 passed in I.A.No.574 of 2014 in O.S.No.1000 of 2014 on the file of XVI Additional District and Sessions Judge, Malkajgiri, Ranga Reddy District.

I have heard the learned counsel for both the parties and perused the record.

The respondent has filed the above-mentioned suit for declaration that the gift deeds executed in favour of the petitioners are null and void. He has also filed I.A.No.574 of 2014 for temporary injunction restraining the petitioners from raising any constructions over the suit schedule property. The lower Court has initially directed both the parties to maintain status quo. Thereafter, the petitioners have filed a counter-affidavit. However, by the above-mentioned order, the lower Court has directed the status quo order to be continued till disposal of the case.

A perusal of the impugned order shows that the lower Court has failed to make a proper approach in dealing with the I.A. When a counter-affidavit is filed resisting the interim relief prayed by the plaintiff, it is the duty of the Court to dispose of the I.A. by giving proper reasons. Not only the lower Court failed to give reasons for continuing the order of status quo till disposal of the suit but also it has failed to dispose of the I.A. itself. Therefore, the order of the lower Court cannot be sustained and the same is accordingly set aside. The lower Court is directed to dispose of I.A.No.574 of 2014 after hearing both the parties, within one month from the date of receipt of this order.

Subject to the above direction, the Civil Revision Petition is allowed.

As a sequel to disposal of main petition, CRP.MP.No.597 of 2015 filed by the petitioners for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

20th MARCH, 2015.

kvni