

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

CRP. No.364 of 2014

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.21.10.2013 in I.A.No.559 of 2013 in O.S.No.59 of 2013 of the A.P. State Wakf Tribunal, Hyderabad.

2. The petitioner herein is the plaintiff in the above suit. He filed the said suit for cancellation of a sale deed dt.22.01.2013 in respect of the suit schedule property, to declare it as illegal and void, to recover possession of the suit schedule property, for mesne profits and costs.

3. Pending the suit, he filed I.A.No.559 of 2013 under Order 39 Rules 1 and 2 CPC seeking temporary injunction against the 6th respondent restraining him from alienating the suit schedule property attached to the Wakf Institution Ashoorkhana Rajavari Peerla Chawadi Manyam admeasuring Acs.4.72 cents being part of survey No.113 at Pernamitta Village, Santhanuthalapadu Mandal, Prakasham District.

4. An *ex parte* injunction was granted in favour of the petitioner in the said I.A. on 18.04.2013.

5. Thereafter, respondents 1 to 5 filed counter seeking vacation of the said order.

6. Before the Court below, the petitioners marked Exs.P1 to P14, while the respondents marked Exs.R1 to R7.

7. By order dt.21.10.2013, the Tribunal dismissed I.A.No.559 of 2013 observing that the said order and the subsequent acts of the respondents would be subject to the decision of this Court in W.P.No.28099 of 2009. The said writ had been filed by 6th respondent and seven others questioning the notices issued by the CEO, Wakf Board under Section 54(1) of the Wakf Act, 1995.

8. Challenging the order dt.21.10.2013 of the Tribunal, this Revision is filed.

9. Heard Sri Abdul Muqeeth Qureshi, counsel for the petitioner and Sri Subhani S.M. counsel for the 1st respondent.

10. Admittedly from 21.10.2013 till date, for more than two years, there is no temporary injunction in favour of the petitioner. Therefore, at this point of time it is not proper to now grant an injunction by setting aside the order passed by the Court below in I.A.No.559 of 2013.

11. Therefore, without going into the merits of the case, this Civil Revision Petition is dismissed directing the A.P. State Wakf Tribunal, Hyderabad to decide O.S.No.59 of 2013 as expeditiously as possible, preferably within a period of six (06) months from the date of receipt of a copy of this order, without being influenced by its order dt.21.10.2013 in I.A.No.559 of 20913 in O.S.No.59 of 2013. There shall be no order as to costs.

12. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

28th October, 2015

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