

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.3863 of 2015

ORDER:

Heard the learned counsel for petitioner.

Though notice was served on respondent No.1 on 12.10.2015, none appears for him.

The petitioner herein is defendant No.1 in O.S.No.88/2014 on the file of the Court of the learned Principal Senior Civil Judge, Gudivada, Krishna District. Respondent No.1 herein filed O.S. No.88/2014 seeking damages and compensation from the petitioner and respondent No.2 herein for rescinding the agreement of sale dated 07.09.2013 entered. Respondent No.1 herein filed I.A.No.236/2014 seeking ad-interim injunction restraining the petitioner and respondent No.2 herein from alienating the petition schedule property, and even after filing counter by the petitioner herein on 08.08.2014, when the said application is not being taken up for consideration and disposed of, the present Civil Revision Petition was filed.

Since I.A. No.236/2014 is filed for ad-interim injunction from alienating the suit schedule property in a suit for recovery of compensation and damages, and when defendant No.1/petitioner herein filed the counter way back in August 2014, the trial Court should have taken up the said application and disposed of the same after giving due opportunity to both the parties.

In the above circumstances, this Court is inclined to dispose of the present Civil Revision Petition by directing the learned Principal Senior Civil Judge, Gudivada, Krishna District, to take up I.A. No.236/2014 and dispose of the same, after hearing the counsel for both sides, on or before 31.12.2015.

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Date: 02.12.2015

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