

THE HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No.4668 of 2014

ORDER:

Heard the learned counsel for the petitioners and the
1st respondent.

The civil revision petition arises out of an order dated 24.10.2014 in C.M.A.No.8 of 2013 on the file of the Senior Civil Judge, Bhongir, confirming the order dated 06.08.2013 in I.A.No.10 of 2010 in O.S.No.1 of 2010 on the file of the Junior Civil Judge, Ramannapet.

The 1st respondent-plaintiff filed the suit for perpetual injunction in respect of an extent of Ac.6.01 gts. in Sy.No.240 consisting of two agricultural wells, one agricultural bore-well and house and also land admeasuring 0.10 gts. within specific boundaries. Pending the suit, the 1st respondent-plaintiff filed an application in I.A.No.10 of 2010, seeking temporary injunction in respect of the suit schedule property and the same was granted on 31.07.2010. Challenging the same, the petitioners-defendants preferred an appeal in C.M.A.No.8 of 2010 and the same was allowed on 30.03.2011, reversing the order of the trial Court in I.A.No.10 of 2010 dated 31.07.2010. Aggrieved thereby, the 1st respondent-plaintiff filed a revision in C.R.P.No.1634 of 2011 before this Court, by filing additional evidence. This Court remanded the matter to the trial Court for fresh disposal of I.A.No.10 of 2010. After remand, the trial Court again granted temporary injunction in favour of the 1st respondent-plaintiff, by order dated 06.08.2013. The said order was again challenged by the petitioners-defendants in C.M.A.No.8 of 2013 and the said appeal was dismissed, confirming the order dated 06.08.2013 passed by the trial Court in I.A.No.10 of

2010 in O.S.No.1 of 2010, by order dated 24.10.2014. Against the said order, the present civil revision petition is filed by the defendants in the suit.

At no point of time, the injunction granted by the trial Court was suspended by the appellate Court and the 1st respondent-plaintiff has been enjoying the temporary injunction in respect of the schedule property since 31.07.2010. Though the learned counsel for the petitioners vehemently argued and tried to impress upon the Court based on the evidence sought to be adduced before the trial Court, this Court is not inclined to entertain such arguments at this stage, as no trial has been commenced in the suit. It is not possible for this Court to take a view either in favour of the petitioners-defendants or the 1st respondent-plaintiff at this stage, when the trial is yet to commence.

In the circumstances, the civil revision petition is dismissed at the admission stage and the Junior Civil Judge, Ramannapet, is directed to complete the trial of the suit as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order, and both parties are directed to co-operate for the completion of trial.

As a sequel, miscellaneous petitions, if any, pending in this civil revision petition shall stand closed.

A. RAMALINGESWARA

RAO, J

20th February, 2015

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