

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 1922 of 2015

ORDER:-

Heard learned counsel for the petitioner and learned counsel for the respondents. With the consent of the parties, the civil revision petition is disposed of at the admission stage itself.

The present civil revision petition is filed under Article 227 of Constitution of India, aggrieved by an order dated 15.04.2015 passed by the VI Additional District Judge at Godavarikhani, in C.M.A.No.2 of 2014.

The facts in issue, in brief, are as under:

The petitioner herein filed O.S.No.119 of 2014 on the file of the Junior Civil Judge at Godavarikhani for a perpetual injunction restraining the respondents herein and their men from interfering with his peaceful possession over the suit schedule property. Along with the suit, the petitioner filed I.A.No.435 of 2014 under Order XXXIX Rules 1 & 2 of CPC seeking temporary injunction. By a docket order dated 04.12.2014, the learned Junior Civil Judge at Godavarikhani granted an ad-interim injunction in favour of the petitioner until further orders. Challenging the same, the respondents filed an appeal before the VI Additional District Judge at Godavarikhani vide C.M.A.No.2 of 2014. By his judgment dated 15.04.2015, the learned VI Additional District Judge allowed the said appeal on the ground that the I.A. was not disposed of within 30 days. Further, the learned Judge while vacating the injunction order directed the trial Court to dispose of the I.A. within seven days.

Assailing the same, the petitioner/plaintiff filed the present civil revision petition.

Learned counsel for the petitioner submits that without considering the detailed counter filed by the petitioner in the appeal, the appellate Court passed the impugned order. According to him, the appellate Court while directing the trial Court to dispose of the I.A. within seven days, ought not to have vacated the ad-interim injunction on the ground that the I.A. was not disposed of within 30 days. The learned counsel further submits that without filing any counter in the I.A., the respondents straight away approached the appellate Court by way of filing an appeal.

On the other hand, learned counsel for the respondents submits that the findings recorded by the appellate Court are sustainable in law and hence warrant no interference.

It is to be noted that on 21.05.2015 while ordering notice before admission returnable within three weeks, this Court granted interim stay of the impugned order, which was extended from time to time.

Having regard to the circumstances stated above and without going into legality or otherwise of the impugned order, the Civil Revision Petition is disposed of, by directing the learned Junior Civil Judge at Godavarikhani to dispose of I.A.No.435 of 2014 in O.S.No.119 of 2014 within a period of ten (10) days from the date of receipt of a copy of the order. Till such time, the injunction granted by the trial Court shall

continue. It is needless to say that uninfluenced by any observations made, the learned Junior Civil Judge shall dispose of the said I.A. on merits after hearing both sides. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the revision shall stand closed.

C. PRAVEEN KUMAR, J

21st August, 2015

Note: Furnish C.C. by 24.08.2015.

(b/o)

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