

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

MONDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

CIVIL REVISION PETITION No.370 of 2015

BETWEEN

Challa Pothuraju.

... PETITIONER

AND

Kommanaboina Sreenu and another.

...RESPONDENTS

Counsel for the Petitioner: MR. S.S. REDDY

Counsel for the Respondents: MR. NAGAPRAVEEN VANKAYALAPATI

The Court made the following:

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ORDER:

Petitioner herein is defendant No.1 in O.S.No.178 of 2014 on the file of the Senior Civil Judge, Parthur filed by the plaintiff/first respondent herein. The first respondent filed an application I.A.No.571 of 2014 seeking temporary injunction and the said application was allowed by the Court below, after hearing both sides, on 27.10.2014. Thereafter, complaining of further interference, the first respondent herein filed I.A.No.795 of 2014 seeking police aid and that application has been ordered by the Court below under impugned order dated 19.01.2015. Aggrieved thereby, the petitioner has preferred the present revision.

2. The primary contention raised by the learned counsel for the petitioner is that the said order in I.A.No.571 of 2014 dated 27.10.2014 is already subjudice before the District Court, Ongole in CMA.No.1 of 2015 and while the said appeal is pending, the Court below could not have ordered police aid under the impugned order. Learned counsel also submits that two other suits viz. O.S.No.88 of 2011 and O.S.No.108 of 2014 are cross-suits pending between the parties. Hence, in any case, the order granting police aid was not justified.

3. The fact remains that the petitioner has questioned the order in I.A.No.571 of 2014 by way of appeal in CMA.No.1 of 2015, which is pending before the District Court, Ongole. Since the appeal is pending, in my view, the petitioner's aforesaid appeal deserves early consideration as there appears to be a contest between the parties in two suits. However, interference with the impugned order in this revision is not called for inasmuch as long as the order of the Court below in I.A.No.571 of 2014 dated 27.10.2014 stands, the same has to be implemented on the ground and since the impugned order only directs the police aid, the said order does not deserve interference. However, CMA.No.1 of 2015 requires to be heard and disposed of at the earliest. Hence, the District Judge, Ongole is directed to hear and decide CMA.No.1 of 2015 as expeditiously as possible and preferably, before end of June 2015. It is made clear that the order in this revision shall not in any way affect adjudication of the CMA by the lower appellate Court.

The civil revision petition is accordingly disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 30, 2015

DSK