

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.2111 of 2015

ORDER:

This Civil Revision Petition is filed by the petitioner-plaintiff challenging the order dated 06.06.2015 passed in I.A.No.47 of 2015 in I.A.No.43 of 2015 in O.S.No.47 of 2015 on the file of the Junior Civil Judge, Adilabad.

2. Heard the learned counsel for both the parties.

3. The petitioner herein filed O.S. No.47 of 2015 on the file of Junior Civil Judge, Adilabad, for perpetual injunction against the respondent herein. The trial court granted interim injunction in favour of the petitioner in I.A. No.43 of 2015. The petitioner filed I.A. No.47 of 2015 in I.A. No.43 of 2015 seeking Police aid. The trial court, by making certain observations, dismissed I.A. No.47 of 2015, even without ordering notice to the respondent.

4. The relief sought in I.A. No.47 of 2015 is based on the result of I.A. No.74 of 2015. While passing interlocutory orders, the courts shall not express any opinion touching the merits of the main case. For one reason or the other, the trial court made certain observations in the impugned order touching the merits of the suit.

5. At the time of the arguments, learned counsel for the petitioner submitted that the petitioner filed I.A. No.74 of 2015 under Order 39 Rule 2A of CPC alleging that the respondent herein has violated the orders passed by the trial Court in I.A. No.43 of 2015.

6. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to direct the trial court to dispose of I.A. No.47 of 2015 afresh along with I.A. No.74 of 2015 by affording reasonable opportunity to both the parties.

7. Accordingly, the Civil Revision Petition is disposed of, setting aside the order dated 06.06.2015 in I.A. No.47 of 2015. The Junior Civil Judge, Adilabad is hereby directed to dispose of I.A.Nos.47 of 2015 and 74 of 2015 in I.A.No.43 of 2015 in O.S.No.47 of 2015, as early, as possible, without being influenced by any of the observations made in this order. No costs. Miscellaneous petitions, if any pending, in this petition shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 28.07.2015.

Gvl/ys