

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CIVIL REVISION PETITION No.474 of 2015**

**ORDER:**

The present Civil Revision Petition is filed by the defendants under Article 227 of the Constitution of India, challenging the order dated 20.01.2015 passed in I.A.No.279 of 2014 in C.M.A.No.15 of 2014, on the file of the learned I Additional District Judge, Kurnool, wherein and where under the learned Judge allowed the said I.A. granting temporary injunction, pending C.M.A.

For the sake of convenience, the parties will hereinafter are referred to as arrayed before the lower Court.

The facts in issue are as under:

The plaintiff/respondent herein filed I.A.No.1628 of 2014 in O.S.No.497 of 2014 on the file of Principal Junior Civil Judge, Kurnool, under Order 39 Rules 1 and 2 of Code of Civil Procedure, seeking temporary injunction.

By an order dated 05.12.2014, the learned Junior Civil Judge, Kurnool, dismissed the said application. Challenging the same, the plaintiff filed C.M.A.No.15 of 2014 on the file of

I Additional District Judge, Kurnool. Pending C.M.A., the plaintiff filed I.A.No.279 of 2014 seeking temporary injunction, which was allowed on 20.01.2015. Aggrieved by the same, the present civil revision petition is filed.

Learned counsel for the petitioners/defendants submits

that the main C.M.A. itself is filed for the relief of temporary injunction and if the relief sought for in the main C.M.A. is granted in the said I.A., the main C.M.A itself would become infructuous. On the other hand the learned counsel for respondent submits that the defendants are not in possession of the property and under the guise of the interlocutory order, the plaintiff is trying to demolish the permanent structures, which are in existence.

Having regard to the said circumstances, this Civil Revision Petition is disposed of, by directing I Additional District Judge, Kurnool, to dispose of C.M.A.No.15 of 2014 within four weeks from the date of receipt of a copy of this order. Till the disposal of the said C.M.A. the parties are directed to maintain *status quo* as on today. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed.

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**C. PRAVEEN KUMAR, J**

13.02.2015

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