

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Civil Revision Petition No.543 of 2016

ORDER:-

This Civil Revision Petition, under Article 227 of the Constitution of India, by the petitioner/plaintiff, is directed against the order, dated 23.12.2015, of the learned principal District Judge, Vizianagaram, passed in I.A.No.674 of 2015 in O.S.No.38 of 2015 filed by the petitioner/plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, for temporary injunction restraining the defendant/respondent from alienating the suit schedule property pending disposal of the suit.

2. I have heard the submissions of the learned counsel for the petitioner/plaintiff ('plaintiff', for brevity) and of the learned counsel for the respondent/defendant ('defendant', for brevity). I have perused the material record.

3. In a suit for specific performance, the trial Court, while granting temporary injunction in favour of the plaintiff as prayed for, imposed a condition that the plaintiff shall deposit the balance of sale consideration of Rs.75,93,000/- into the Court on or before 19.01.2016. While granting the said injunction order subject to the said condition, the trial Court further held in the said orders that on failure to comply with the said condition, the injunction order granted shall stand vacated. Aggrieved thereof, the plaintiff preferred this revision.

4. At the hearing, the learned counsel for the petitioner/plaintiff fairly submits that the entire consideration is now deposited into Court and to the credit of the suit. It is also stated that the plaintiff's case is that the consideration is payable at the rate of Rs.21,000/- per a cent

whereas the case of the defendant is that the consideration is payable at the rate of Rs.31,000/- per a cent and that in any view of the matter, the plaintiff has by now deposited the entire sale consideration at the rate of Rs.31,000/- per a cent and, therefore, the condition imposed in the orders of the Court below is complied with and that the injunction granted by the Court below inures for the benefit of the plaintiff.

5. The learned counsel for the defendant, while not disputing the submission of the learned counsel for the plaintiff, would only submit that the plaintiff's application filed before the Court below to direct the defendant to execute the registered sale deed was dismissed. However, the learned counsel for the defendant reported no objection for considering the submission of the learned counsel for the plaintiff for directing the Court below to dispose of the suit within a time frame.

6. Having regard to the submissions, this Civil Revision Petition is disposed of as no cause survives for adjudication, as the condition imposed in the injunction order dated 23.12.2015 of the Court below, for which the plaintiff is agreeable, stands complied with as on today. Considering the fact that the only dispute is about the quantum of consideration per a cent, the Court below is directed to dispose of the suit in accordance with procedure established by law, however, as expeditiously as possible and in any event within two (02) months from the date of receipt of a copy of this order.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand dismissed.

M. Seetharama Murti, J

07th December, 2016
Bvv