

THE HON'BLE SRI JUSTICE A.V. SESA SAI

CIVIL REVISION PETITION No.5280 OF 2016

ORDER:

Defendants 1 and 2 in O.S.No.91 of 2016, on the file of Principal Senior Civil Judge, Anantapuramu, are the petitioners in the present Revision filed under Article 227 of the Constitution of India.

2. In the present Revision, petitioners herein are seeking a direction to the learned Principal Senior Civil Judge, Anantapuramu, to dispose of I.A.No.77 of 2016 filed in the said suit, as expeditiously as possible.

3. Heard Sri Maheswar Rao Kuncheam, learned counsel, appearing for the petitioner and perused the material available before the Court.

4. The 1st respondent herein instituted the suit for declaration of title in respect of the plaint schedule property and for permanent injunction. The suit schedule property is an extent of Acres 6.51 cents in Survey No.230-1 of 43-Udegolam, Kanekal Mandal, Anantapuramu District. Along with the said suit, the 1st respondent herein filed I.A.No.77 of 2016 under the provisions of Order 39 Rules 1 and 2 of the Civil Procedure Code for temporary injunction.

5. It is submitted by the learned counsel for the petitioner that in the said I.A.No.77 of 2016, the Court below granted an order of *Status quo* on 28.03.2016 and the petitioners herein filed their

counter on 03.06.2016, but the 1st respondent/plaintiff is protracting the matter on one ground or the other. It is further stated that an application vide I.A.No.544 of 2016 was also filed before the Court below on behalf of the 1st respondent to re-open I.A.No.77 of 2016 for further hearing and the said application was also allowed by the Court below. It is further submitted that even thereafter, on one pretext or the other, the 1st respondent is protracting the matter though the petitioners have filed their counter as long back as on 03.06.2016.

6. Having regard to the nature of controversy and taking into consideration the submissions of the learned counsel for the petitioner, this Court is of the considered opinion that the interest of justice would be served if the Court below is directed to pass appropriate orders on I.A.No.77 of 2016, after hearing all the stake holders, by fixing sometime.

7. For the aforesaid reasons, Revision is disposed of, directing the learned Principal Senior Civil Judge, Anatapuramu, to dispose of I.A.No.77 of 2016, as expeditiously as possible.

8. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

28.10.2016
SS