

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.5441 of 2016

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India challenging the order dated 21.9.2016 in I.A.No.454 of 2016 in O.S. No.416 of 2016 on the file of the Court of Sub-Divisional Magistrate & Special Assistant Agent to Government, Mobile Court, Bhadrachalam (the trial Court).

2. Heard the learned counsel for both the parties. A perusal of the record reveals that the first respondent herein filed O.S. No.416 of 2016 for perpetual injunction against respondent Nos.2, 3, 4 and the petitioner herein (defendant Nos.1, 2, 3 and 4 respectively). Along with the suit, first respondent filed I.A. No.454 of 2016 seeking *ad interim* injunction and the same was granted on 21.9.2016.

3. The petitioner is defendant No.4 in the suit. It is the case of the petitioner that she filed O.S. No.98 of 2016 on the file of the trial Court seeking perpetual injunction against respondent No.1 herein. Along with the suit, she also filed I.A. No.102 of 2016 seeking *ad interim* injunction and the same was granted. The first respondent filed vacate petition and the trial Court by allowing the said petition, vacated the interim injunction granted in favour of the petitioner.

4. The contention of the learned counsel for the petitioner is that the scheduled property in both the suits is one and the same. Refuting the said submission, learned counsel for the first respondent submitted that the property in both the suits is not one

and the same. The fact remains that the petitioner herein yet to file counter in I.A. No.454 of 2016. In such circumstances, it not fair on the part of this court to express any opinion touching the merits of the main case.

5. Having regard to the facts and circumstances of the case, the trial Court is hereby directed to dispose of I.A. No.454 of 2016 after affording reasonable opportunity to both parties, on merits, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, the civil revision petition is disposed of. Miscellaneous petitions, if any pending in this civil revision petition shall stand closed.

December 23, 2016.
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T.SUNIL CHOWDARY, J

