

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

CIVIL REVISION PETITION No.4589 OF 2016

ORDER:

Defendants in O.S.No.521 of 2016 are the petitioners in the present revision filed under Article 227 of the Constitution of India.

2. Heard Sri Ganduri Nageswara Rao, learned counsel, appearing for the petitioners and Sri Maheswara Rao Kuncheam, learned counsel, appearing for the respondent.

3. The grievance of the petitioners, as evident from the material available before this Court, is non-disposal of I.A.No.776 of 2016 filed by the petitioners in C.M.A.No.24 of 2016 on the file of the Court of III Additional District Judge, Anantapuramu.

4. Respondent herein instituted the above said suit for permanent injunction. Along with the suit, he also filed I.A.No.1213 of 2016 for temporary injunction. The learned Principal Junior Civil Judge, Anantapuramu, granted *ad interim* injunction. Questioning the said order, petitioners herein filed C.M.A.No.24 of 2016 before the Court of the III Additional District Judge, Anantapuramu. They also filed I.A.No.776 of 2016 praying for stay of all further proceedings

in I.A.No.1213 of 2016 in O.S.No.521 of 2016, dated 05.07.2016.

5. It is submitted by the learned counsel for the petitioners that in respect of the same schedule property, the petitioners herein filed O.S.No.478 of 2015 on the file of the Principal Senior Civil Judge, Anantapuramu and the said court in I.A.No.721 of 2015 granted interim injunction, restraining the respondent herein from alienating the property. It is further submitted that suppressing the said fact of pendency of O.S.No.478 of 2015, the present suit i.e., O.S.No.521 of 2016 has been instituted.

6. The relief sought for disposal of the I.A.No.776 of 2016 is not opposed by the learned counsel for the respondent. On the otherhand, he has submitted that the same can be directed to be disposed of after giving notice to all the parties to the suit.

7. Having regard to the nature of controversy and taking into consideration the submissions of the learned counsel for the petitioners as well as the respondent, this court deems it appropriate to dispose of the present revision by directing the Court of III Additional District Judge to dispose of I.A.No.776 of 2016 in C.M.A.No.24 of 2016 by fixing some timeframe.

8. For the aforesaid reasons, Revision is disposed of, directing the learned III Additional District Judge,

Anantapuramu, to dispose of I.A.No.776 of 2016 in/and C.M.A.No.24 of 2016, within a period of one month from the date of receipt of a copy of this order, after giving opportunity to all the stake holders.

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

A.V.SESHA SAI, J

11.11.2016
SS

