

**HON'BLE SRI JUSTICE S. RAVI KUMAR**  
**CIVIL MISCELLANEOUS APPEAL No.799 of 2008**

**JUDGMENT:**

This appeal is filed questioning order dated 21.07.2008 in I.A.No.574 of 2008 in O.S.No.173 of 2008 on the file of Principal Senior Civil Judge, Srikakulam.

2. Appellant herein is plaintiff in O.S.No.173 of 2008, which is filed for permanent injunction in respect of suit schedule property and in that I.A.No.574 of 2008 is filed for grant of temporary injunction. Trial Court on a consideration of documents marked on behalf of both parties, dismissed the application and vacated the interim injunction granted on 26.06.2008. Challenging the said order, plaintiff preferred this appeal and this Court while ordering notice to respondents granted *status quo* to be maintained in respect of the properties as on 26.08.2008. Respondents i.e., defendants in spite of service of notice neither appeared in person nor through any advocate.

3. Advocate for appellant submitted that plaintiff has produced documents to show that he is in possession and enjoyment of the suit schedule property and filed third party affidavits also, but the trial Court without properly considering those documents and third party affidavits, vacated the interim injunction order granted earlier i.e., on 26.06.2008 and as this Court granted status quo on 26.08.2008, the same order may be continued by

directing trial Court to expedite the suit and dispose of the same within time frame.

4. I have perused the material papers including the impugned order dated 21.07.2008. As seen from the record, trial Court initially granted temporary injunction on 26.06.2008, but after appearance of defendants, vacated the injunction order by considering the documents produced on behalf of both parties. Here in the appeal, respondents i.e., defendants in the suit in spite of service of notice neither appeared in person nor through any advocate. Therefore, without going into the merits of the case, I feel that this appeal can be disposed of directing the trial Court to expedite the trial and dispose of the suit as expeditiously as possible. This Court while ordering notice to respondents granted *status quo* on 26.08.2008 and in spite of granting *status quo* order respondents have not evinced any interest in appearing in this appeal to object the said order.

5. For these reasons, appeal is disposed of by making the *status quo* order granted by this Court to be continued till disposal of the suit and trial Court is directed to dispose of the suit as expeditiously as possible.

6. Miscellaneous petitions pending, if any, shall stand closed. No costs.

---

**S. RAVI KUMAR, J**

23<sup>rd</sup> March 2016.

mar