

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

C.R.P.No.2351 of 2016

ORDER

Heard Smt V.Baby Rani, learned counsel for the petitioner and Sri B.Ravindranath, learned counsel for the respondent. With the consent of both the learned counsel, the Civil Revision Petition is disposed of at the admission stage.

This Civil Revision Petition is filed against the order dated 14.3.2014 in I.A.No.32 of 2014 in O.S.No.29 of 2014 on the file of the Sub Divisional Magistrate, Mobile Court, Bhadrachalam, Khammam District, whereby the said Court granted *ex parte* interim injunction against the present revision petitioner, who is defendant in the said suit. Aggrieved, the instant revision petition is filed.

The impugned order is challenged *inter alia* on the ground that the said Court which was constituted by virtue of G.O.Ms.No.406, dated 27.6.1990 was not having jurisdiction to decide the suits.

It is seen that the *ex parte* impugned order is passed when the revision petitioner-defendant was not present before the trial Court and therefore, the trial Court had no occasion to know the contention

of the revision petitioner-defendant in the said suit. As such, it is thought fit to instruct the revision petitioner-defendant to approach the trial Court and file counter in I.A.No.32 of 2014 by taking all the factual and legal pleas that are permissible under law to enable the trial Court to pass an order on merits.

Accordingly, this revision is disposed of giving direction to the revision petitioner-defendant to approach the trial Court and file his counter in I.A.No.32 of 2014 in O.S.No.29 of 2014 within one month from the date of receipt of a copy of this order by taking relevant pleas touching the factual and legal aspects permissible under law and in which case the trial Court shall hear both parties and pass appropriate orders on merits within two months from the date of filing of the counter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE U.DURGA PRASAD RAO

27th August, 2016

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Note: Issue CC by Monday

