

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Civil Revision Petition No.2270 of 2012

ORDER

The first defendant-first respondent is the revision petitioner. Revision first respondent is the plaintiff in O.S.No.301 of 2010 on the file of I Additional Junior Civil Judge, Ongole. It is a suit for the relief of declaration of the easementary rights of apparent passage with subsequential prohibitory injunction restraining the respondents to cause obstruction in any manner and mandatory injunction for removal of the wall constructed creating obstruction to restore the *status quo* anti. Pending the suit leave about the prohibitory injunction there was interim mandatory injunction granted by the trial Court after contest by the revision petitioner as first defendant and revision second respondent as second defendant in I.A.No.540 of 2010. First defendant-first respondent (revision petitioner) even went unsuccessful in Civil Miscellaneous Appeal No.18 of 2012 vide confirmed and appeal dismissal decretal order dated 27.04.2012. Impugning the same, present revision petition is filed and the same is pending for more than four years by now.

A perusal of the record shows the suit is of the year 2010. It is the submission while hearing on merits that I Additional Junior Civil Judge Court is manning by FAC Officer and there is no regular Officer though otherwise, the suit could have been disposed of having been ripened for trial long back.

Having regard to the above facts and as there are concurrent findings which hardly require interference on merits by sitting in revision though several meritorious contentions are raised by the revision petitioner, according to him to interfere, to sub-serve the ends of justice, the revision petition is disposed of by suspending the operation of the mandatory injunction for three months from today so as in the meantime the trial could be completed by the trial Court with

this direction by taking up the trial day to day with utmost preference.

As there is no regular Officer to the

I Additional Junior Civil Judge's Court, this Court withdraws the suit therefrom and transfers to the file of Principal Junior Civil Judge, Ongole with direction to take up the trial immediately to get disposal. Needless to mention so if the trial is not completed within three months, the interim suspension against the enforcement of the mandatory injunction relief in favour of the plaintiff can be enforced without any further reference to the orders of this Court. No order as to costs.

Miscellaneous petitions pending in the revision petition, if any, stand closed.

Dr. B. SIVA SANKARA RAO, J

21st July, 2016.

Note: Issue C.C. tomorrow.

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