

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE ANIS*

C.M.A. No.928 and 927 of 2016

COMMON JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

These appeals under Order 43 Rule 1 C.P.C. arise out of the separate docket orders dated 22.04.2013 passed by the learned Special Judge for Trial of Offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum-V Additional District and Sessions Judge, Medak at Sanga Reddy, in I.A.Nos.438 and 439 of 2013 in O.S.No.67 of 2013.

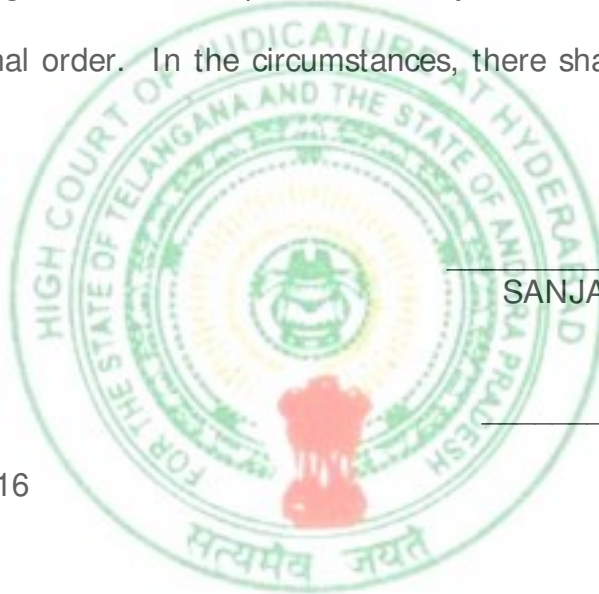
By the said orders, the trial Court granted an ad interim injunction restraining the respondents in the I.As., the defendants in the suit, from interfering with the peaceful possession of the petitioners/plaintiffs over the suit schedule property and also restraining the second respondent in I.A.No.438 of 2013, the second defendant in the suit, from alienating the suit schedule property to third parties. Significantly, the trial Court did not even record the reasons as to why it deemed it fit and proper to grant an ex parte injunction. Further, this Court is informed that though this order was passed as long back as on 22.04.2013, the trial Court has not taken steps under Order 39 Rule 3A C.P.C. to dispose of the I.As. till date.

Even if the pendency of these appeals was brought to the notice of the trial Court, as no stay orders were granted by this Court, the trial Court ought not to have ignored the statutory mandate under Order 39 Rule 3A C.P.C., which required it to dispose of the I.As. within thirty days from the date on which the injunction was granted without giving notice to the opposite party or at least to record its reasons for such inability. As the orders under appeal have been in operation since 22.04.2013 and

as the trial Court is yet to apply its mind to the merits of the said applications, this Court finds no reason to entertain these appeals and adjudicate the same on merits.

The appeals are accordingly disposed of directing the trial Court to endeavour to finally dispose of I.A.Nos.438 and 439 of 2013 in O.S.No.67 of 2013 on merits after giving due opportunity of hearing to all parties concerned in accordance with law. This exercise shall be concluded within 30 days from the date of receipt of a copy of this order. The orders under appeal shall remain in operation for the said period.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. In the circumstances, there shall be no order as to costs.



SANJAY KUMAR, J

ANI S, J

Date:07.11.2016

GJ