

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.6139 OF 2016

ORDER:

Heard learned counsel for the revision petitioner.

2. The relief claimed in the present revision petition is to direct the Court below to grant *ad interim* injunction in I.A.No.397 of 2015 in O.S.No.44 of 2009 on the file of learned Senior Civil Judge, Bodhan, within a period of one month. The I.A. is filed by the petitioner, being the plaintiff in the Suit.

3. Ms. T.M. Vani, learned counsel for the petitioner, would submit that, in fact, in the Suit, the petitioner got examined himself as PW.1 by filing affidavit in chief and marking documents by stepping into witness box in the month of September, 2015, but he was not cross-examined and the Suit is being adjourned from time to time. It is also the submission of the learned counsel that, though, the I.A. filed to protect the possession was taken up for some time, but, however, no orders were passed and, therefore, the present revision petition is filed seeking to grant the aforesaid direction.

4. No doubt, the certified copy of the docket orders in I.A.No.397 of 2015 is filed, which was obtained on 10.06.2016, and shows the proceedings till 10.03.2016, on which date, the matter was adjourned to 01.04.2016. In fact, the proceedings would show that the arguments on behalf of the respondents were forfeited/closed on

28.01.2016 and the matter was adjourned to 11.02.2016 for orders. Thereafter, again the matter was adjourned to 25.02.2016. On 25.02.2016, the I.A. was reopened at the request of learned counsel for petitioner to file some documents and then adjourned to 10.03.2016. On 10.03.2016, since, there was no representation on behalf of the petitioner, again the matter was adjourned to 01.04.2016. If the aforesaid docket proceedings in the I.A. are strictly construed, certainly, they would reflect that the petitioner was not that diligent in pursuing the matter and he did not even appear on 10.03.2016. In fact, the relief sought for by the petitioner cannot be acceded to. The Suit relates to the year 2009 and the petitioner has not chosen to file the proceedings in the main Suit, which would have brought out the real picture. There is no merit in the revision petition.

5. Accordingly, the revision petition is dismissed. Miscellaneous Petitions pending, if any, in this revision petition, shall stand closed. There shall be no order as to costs.

December 30, 2016
MD

A. SHANKAR NARAYANA, J