

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.5679 of 2016

ORDER:

Heard learned counsel for the revision petitioner/plaintiff vis-à-vis learned senior counsel for respondent Nos.2, 4 & 5 and also learned counsel for respondent Nos.6 & 7 and perused the entire material on record.

This Court feels just to left open all the contentions including as to the society is defunct and nonest entity as on date of suit and present plaintiff has no locus to maintain the suit claim etc., for consideration in deciding the temporary injunction application in I.A.No.1321 of 2014 in O.S.No.999 of 2014, in which the trial Court is bound to consider the same as part of existence of prima facie case, balance of convenience and irreparable injury, which are pre-requisites to the entitlement of the equitable relief of injunction.

Accordingly and in the result, the revision is disposed of directing the lower Court to dispose of early the injunction application and also to decide the applications in I.A.No.309 of 2015 and I.A.No.573 of 2016 regarding the preliminary objection as to jurisdiction under Order XIV Rule 2 CPC, if necessary by common disposal and preferably within one month from the date of receipt of the order.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 06.12.2016
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