

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

C.R.P. No.5864 OF 2016

ORDER:

The Civil Revision Petition is filed against the order dated 27.09.2016 passed in I.A. No.412 of 2016 in O.S. No.183 of 2016 on the file of Senior Civil Judge, Suryapet.

2) Heard both sides and perused the impugned order of the lower Court.

3) The revision petitioner is the sole defendant entity of the suit O.S. No.183 of 2016 filed by two plaintiffs against it for prohibitory permanent injunction and pending disposal, there is an ad-interim injunction order in I.A. No.412 of 2016 dated 27.09.2016 till 22.11.2016. Originally, the order copy is not filed but the injunction hokum.

4) The revision is impugned mainly on the two grounds viz., one is the trial Court has no right to grant ad interim injunction order for thirty days and above and the other is with no reasons and perfunctory. Apart from the fact that the appeal lies, proper remedy available to the petitioner is to file an application, by taking these defences also, under Order XXXIX Rule 4 C.P.C before the lower Court to vacate or modify the injunction order and in such an event, the lower Court, after hearing both sides, shall dispose of the injunction petition vis-à-vis the application to vacate or modify the interim injunction order by common order within one (1) month from the date of receipt of copy of this order on own merits.

5) Accordingly and in the result, the revision is disposed of. No order as to costs.

6) Consequently, pending miscellaneous petitions, if any, shall stand dismissed.

Dr.JUSTICE B. SIVA SANKARA RAO

Dt.13.12.2016
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