

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.1029 OF 2011

ORDER:

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This Revision is filed against the order dated 07-02-2011 in I.A.No.1670 of 2010 in C.M.A.No.89 of 2009, whereby the lower Appellate Court dismissed the application filed by the petitioner under Order 41 Rule 27 read with Order 7 Rule 14 and Section 151 C.P.C. for receiving certain documents.

The case of the petitioner is that the petitioner filed suit in O.S.No.549 of 2008 on the file of II Additional Junior Civil Judge's Court, Warangal for grant of permanent injunction. In that suit, an application is filed for temporary injunction pending suit, initially injunction was granted and later same was vacated on 07-09-2009. Against the said order, CMA No.89 of 2009 was filed by the petitioner and in the said CMA, I.A.No.1670 of 2010 is filed for receiving additional documents and the same is dismissed. Against the same, the present revision is filed.

Heard learned counsel for the petitioner and learned counsel for the respondents.

In this case, admittedly injunction was vacated on 07-09-2009 and CMA is pending against the said order. Suit is of the year 2009. In view of the facts and circumstances, the question of considering interlocutory applications for temporary injunction and receiving additional documents at this stage does not arise. As such, the Court below has rightly dismissed the I.A.

Having regard to the above and in view of submissions of both counsel, the trial Court is directed to dispose of suit within a period of six months from the date of receipt of order without being influenced by any observations made in this revision and it is open for the petitioners to file appropriate application for receiving of documents and the same shall be considered by the Court below in accordance with law.

In view of the above direction to dispose of the suit itself, the appeal in CMA 89 of 2009, which is pending before the lower Appellate Court does not survive for consideration. Accordingly, the Revision is disposed of.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

08-02-2016

Note: communicate a copy of the order to the
II Additional Junior Civil Judge's Court, Warangal.

B/o.
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