

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.4503 OF 2016

ORAL ORDER:

Precisely, the question that falls for consideration in the present Civil Revision Petition, preferred under Article 227 of the Constitution of India by the plaintiff in O.S. No.28 of 2013, who incidentally the petitioner in I.A. No.63 of 2013 filed under Order 39 Rule 1 of the Code of Civil Procedure, 1908 (for short, 'CPC'), is the inaction on the part of the learned Junior Civil Judge, Asifabad, in disposing of I.A. No.63 of 2013.

2. Heard Sri V.Ravi Kumar, learned counsel for the revision petitioner.

3. It is the submission of learned counsel for the revision petitioner that when the suit was filed making I.A. No.63 of 2013 for grant of interim injunction to restrain the respondents from raising further constructions in the suit schedule property in an extent of Ac.0-40 cents in Sy.No.628/1/2, situated at Tandur Village and Mandal, Adilabad District, though, initially, ad-interim injunction was granted till 15.07.2013, thereafter, neither though, a request was made for extension, nor, though, counter was filed by the respondents, did the learned Junior Civil Judge take up the I.A. for disposal, resulting in raising further construction by the respondents and, thus, defeating

the very purpose of filing the suit itself and, therefore, the revision petitioner is constrained to approach this Court.

4. Perused the grounds in the present revision petition, somehow, the revision petitioner has not chosen to mention the fact of the operation of the interim injunction for a limited period, i.e., till 15.07.2013, without either further extension or disposal of the I.A., however, the learned counsel has pointed out the averments in paragraph No.5 of the affidavit, in which the revision petitioner affirmed that later, neither the injunction was extended nor the interlocutory application was disposed of. The learned counsel for the revision petitioner, when questioned, would submit that the written statement has been filed by the respondents, but issues were yet to be settled.

5. The suit relates to the year 2013. For settlement of issues and examining whether the provisions of Section 89 CPC can be invoked or not and then for completion of trial, considerable time would take. Therefore, under these circumstances, it is desirable to direct the learned Junior Civil Judge, Asifabad, to dispose of I.A. No.63 of 2013 in O.S. No.28 of 2013 within a period of one month from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petition is allowed at the admission stage with the aforesaid direction. There shall be no order as to costs.

7. As a sequel thereto, miscellaneous applications, if any pending in the instant civil revision petition, stand closed.

A. SHANKAR NARAYANA, J

19th September, 2016

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