

**HON'BLE SRI JUSTICE R. KANTHA RAO**

**Civil Revision Petition No.209 of 2016**

**ORDER:**

Heard Sri P.V.S.A. Rama Murthy, learned counsel appearing for the revision petitioners and Sri K.Subramanyam, learned counsel for the respondents.

2. In a suit for simple injunction, the learned trial court on an application filed by the plaintiffs, granted interim injunction. Later on, the 1<sup>st</sup> plaintiff died, which fact was not brought to the notice of the trial court. The grievance of the revision petitioners is that on the same day, the trial court extended the interim injunction, which was granted in favour of the plaintiffs.

3. Admittedly, in a suit for injunction, the suit will not abate on the death of one of the plaintiffs and the 2<sup>nd</sup> plaintiff can continue the suit against the defendants. However, it is submitted by the learned counsel on either side that steps have been taken before the trial court to bring the legal representatives of the 1<sup>st</sup> plaintiff on record by filing interlocutory application and the same is pending. In the circumstances, I do not see any illegality or irregularity in the order passed by the trial court, since the suit for injunction filed by the 1<sup>st</sup> plaintiff will not abate as a whole and the second plaintiff can continue the same.

4. The civil revision petition is accordingly dismissed. The trial court is directed to dispose of the interlocutory application filed by the legal representatives of the 1<sup>st</sup> plaintiff to come on record as expeditiously as possible. No order as to costs. Miscellaneous petitions, pending if any in this case, shall stand closed.

Date: 07.04.2016  
BSS

R. KANTHA RAO, J

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**Date: 07.04.2016**

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