

THE HON'BLE SRI JUSTICE SURESH KUMAR KAITH

C.R.P No.3037 OF 2016

ORDER:

Vide the present petition, the petitioner has filed this revision aggrieved by the delay and inaction of the II Additional Junior Civil Judge, Guntur in disposing of I.A.No.365 of 2015 in O.S No.515 of 2015.

2. Learned counsel appearing on behalf of the petitioners submits that ad-interim injunction order was granted vide order dated 21.08.2015 till 01.09.2015. Meanwhile, the petitioner was directed to comply with the provisions of Order 39 Rule 3 of CPC. Thereafter, on 01.09.2015, the respondents filed counter-affidavit to the said I.A.

However, till date neither I.A. has been decided nor ad-interim injunction has been extended.

3. Keeping in view the order sheets, page 16 of the petition filed by the petitioner reveals that on 07.10.2015, Exhibits P-16 to P-25 were marked and the matter was listed for hearing of respondent to 13.10.2015 and last opportunity was granted to the learned counsel for the respondent vide order dated 13.10.2015 and the matter was listed for hearing on 27.10.2015 and on the said date, further the matter was adjourned to 30.10.2015 subject to costs of Rs.50/- and the same was paid by the respondents. The order sheet further reveals that the learned trial judge has just postponed adjourning the matter without any reasons. I hereby make it clear that if the respondents are not coming forward to argue the I.A. filed by the petitioners, it is the duty of the Court to proceed with the matter even in the absence of either of the party.

4. Keeping in view the averments made in the petition and submissions of learned counsel for the petitioners and after perusing the order sheets filed by the petitioners, I hereby direct the trial Court

i.e., II Additional Junior Civil Judge, Guntur to dispose of I.A.No.365 of 2015 in O.S.No.515 of 2015 within four (04) weeks from the date of receipt of a copy of this order.

5. In view of the above, this Civil Revision Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand dismissed.

JUSTICE SURESH KUMAR KAITH.

Date :29-06-2016
Gvl