

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.4832 OF 2016

ORDER:

1 This Civil Revision Petition, under Article 227 of the Constitution of India is filed assailing the order dated 12.11.2013 passed in I.A.No.119 of 2013 in O.S.No.198 of 2013 passed by the Sub-Divisional Magistrate (Mobile Court) at Bhadrachalam.

2 Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3 A perusal of the record reveals that the petitioner filed O.S.No.198 of 2013 on the file of the Sub-Divisional Magistrate (Mobile Court) Bhadrachalam seeking perpetual injunction against the respondent in respect of an extent of Ac.8-16 cents in Sy.No.22 of Sayannapalem village, Dammamet Mandal, Khammam District. The trial Court granted interim injunction in favour of the petitioner on 16.07.2013 restraining the respondent from interfering with the plaint schedule property.

4 In respect of the same property, the respondent filed O.S.No.40 of 2012 before the Agent to Government, Khammam and obtained interim injunction restraining the petitioner herein not to interfere with the subject property. Suppressing the said fact, the petitioner herein filed O.S.No.198 of 2013 and obtained an interim order.

5 During the pendency of the suit in O.S.No.198 of 2013, the trial Court came to know that the petitioner obtained interim order by suppressing the factum of filing of O.S.No.40 of 2012 by the respondent and hence the trial Court kept the interim order dated 16.07.2013 passed in I.A.No.119 of 2013 in O.S.No.198 of 2013 in

abeyance until further orders without issuing any notice to the petitioner herein.

6 It is the duty of the Court to pass orders after giving reasonable opportunity to both parties. It appears that the trial Court passed the orders on 12.11.2013 without giving any opportunity to the petitioner. Therefore, I am of the considered view that it is a fit case to set aside the orders passed by the trial Court on 16.07.2013 and 12.11.2013.

7 Accordingly, this Civil Revision Petition is allowed setting aside the orders dated 16.07.2013 and 12.11.2013 passed in I.A.No.119 of 2013 in O.S.No.198 of 2013 by the Sub-Divisional Magistrate (Mobile Court) Bhadrachalam. The trial Court is hereby directed to give a reasonable opportunity to both parties and pass appropriate orders afresh in I.A.No.119 of 2013 in O.S.No.198 of 2013 within a period of one month from the date of receipt of a copy of this order, without being influenced by any of the observations made by this Court, if any, in this revision petition. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 28th November, 2016
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