

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL MISCELLANEOUS APPEAL No.563 OF 2016

JUDGMENT:

The present Civil Miscellaneous Appeal is preferred by the petitioner in I.A. No.775 of 2016 in O.S. No.237 of 2016, on the file of the learned XII Additional District Judge and Family Court, Guntur, aggrieved by the order, dated 08-07-2016, whereby and where-under ad-interim injunction granted on 27-06-2016 was vacated on the mere ground that the petitioner was not ready having obtained *ex parte* injunction.

2. The order, dated 08-07-2016 reads thus:

“Petitioner reported not ready having obtained *exparte* interim injunction. Whereas, respondent has been reporting ready. Memo filed with a collection report by the respondent.

Exparte interim injunction is vacated and the petition is posted for hearing to 28.7.16.”

3. The earlier order, dated 27-06-2016 reads thus:

“Heard and perused.

As per the documents filed, it is *prima facie* evident that there is an agreement of leave and license exists between the petitioner and the respondent and that the petitioner being the licensee has been in possession for exhibiting the films. In view of the circumstances explained under the petition, the petitioner is able to make out a *prima facie* case that needs interference of this court to pass orders *exparte* without which the very purpose of filing of this petition will be defeated by delay in effecting service of notice on the respondent and the transaction involved is with

regard to the running and projecting the films.

Therefore, I am of the view to grant Ad-interim injunction, restraining the respondent and its men from objecting the petitioner to project the films in the theater, pending disposal of this petition.

Issue urgent notice to the respondent by 04-07-2016.

Comply Order 39 Rule 3 C.P.C.”

4. Heard Sri Ramachandra Rao Gurram, learned counsel for the appellant - petitioner, and Sri Koneti Raja Reddy, learned counsel for the respondent.

5. In view of the submissions made by both the learned counsel that since it is opined that it would be appropriate to direct the trial Court to dispose of I.A. No.775 of 2016 within two (02) weeks, the appeal is disposed of with a direction to the trial Court to dispose of I.A. No.775 of 2016 in O.S. No.237 of 2016 within two (02) weeks from the date of receipt of a copy of this judgment by advancing the I.A. to a convenient date, uninfluenced by the observation made in the order, dated 08-07-2016. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the appeal, stand disposed of.

A. SHANKAR NARAYANA, J

July 29, 2016.

Note:

Dispatch C.C. of the Judgment by
01-08-2016.
(B/O.) Mgr