

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.4498 of 2016

ORDER:

This revision petition is filed by the petitioner assailing the order dated 02.03.2016 passed in I.A.No.114 of 2016 in C.M.A.No.1 of 2016 on the file of V Additional Distirct Judge, Kothagudem.

2. Heard the learned counsel for the petitioner and learned counsel for the respondents. Perused the record.

3. The petitioner filed the suit in O.S.No.42 of 2016 on the file of Principal Junior Civil Judge, Kothagudem, against the respondents seeking perpetual injunction. Pending suit, the petitioner filed I.A. No.48 of 2016 seeking ad-interim injunction. The Trial Court granted ad-interim injunction upto 16.03.2016.

4. Respondents, without filing counter in I.A. No.48 of 2016, filed C.M.A.No.1 of 2016 challenging the order passed in I.A. No.48 of 2016. The Appellate Court passed the following order on 02.03.2016, which reads as under:

“Hence, I would like to order the status quo from the operation of order lower Court i.e. interim stay, meanwhile issue urgent notice to the respondent and the status quo shall be maintain by both parties.”

5. Petitioner herein, without appearing before the Appellate Court, filed the present revision.

6. In view of the peculiar facts and circumstances of the case, the order dated 02.03.2016 in I.A.No.114 of 2016 in

C.M.A.No.1 of 2016 on the file of Court of V Additional District Judge, Kothagudem, is set aside, and the First Appellate Court is directed to dispose of C.M.A.No.1 of 2016 within one month from the date of receipt of a copy of the order. Meanwhile, both the parties are directed to maintain status quo till the disposal of the appeal.

7. Accordingly, the Civil Revision Petition is allowed. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

Date: 20.01.2017
usd

T.SUNIL CHOWDARY, J

