

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.32 OF 2014

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dated 02.09.2013 in C.M.A.No.69 of 2012 on the file of the III Additional Chief Judge, City Civil Court at Hyderabad.

2. Heard the learned counsel for the petitioners.

3. A perusal of the record reveals that the petitioners herein filed O.S.No.748 of 2012 on the file of the XXI Junior Civil Judge, City Civil Court, Hyderabad, against the respondents herein seeking perpetual injunction. Along with the suit, the petitioners filed I.A.No.130 of 2012 seeking ad-interim injunction. The trial Court granted ad-interim injunction in favour of the petitioners and the same was vacated on 04.05.2012. Feeling aggrieved by the orders in I.A.No.130 of 2012 in O.S.No.748 of 2012, the petitioners herein preferred C.M.A.No.69 of 2012 on the file of the III Additional Chief Judge, City Civil Court at Hyderabad. The appellate Court after affording a reasonable opportunity to both parties dismissed the said C.M.A. on 02.09.2013. Feeling aggrieved by the orders in C.M.A.No.69 of 2012, the present civil revision petition is filed.

4. There is no interim order in favour of the petitioners with effect from 04.05.2012 in O.S.No.748 of 2012. During pendency of C.M.A.No.69 of 2012 also, there is no interim injunction in favour of the petitioners. The trial Court as well as the appellate Court

arrived at a conclusion that the petitioners failed to establish the ingredients of Order XXXIX Rules 1 and 2 of C.P.C. This Court shall not lightly interfere with the concurrent finding of fact recorded by the Courts below. The Courts below have assigned cogent and valid reasons to its findings. A perusal of the record *prima facie* reveals that the petitioners failed to prove the ingredients of Order XXXIX Rules 1 and 2 of C.P.C. In such circumstances, the petitioners are not entitled for the relief of interim injunction. There is no illegality or irregularity in the orders passed by the Courts below. There are no grounds much less valid grounds to upset the findings recorded by the Courts below. Hence, the revision lacks merits and *bona fides*.

5. Accordingly, the Civil Revision Petition is dismissed. However, the learned XXI Junior Civil Judge, City Civil Court, Hyderabad, is hereby directed to dispose of O.S.No.748 of 2012 as expeditiously as possible. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 30.01.2017

Ivd