

HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION NO.4327 OF 2017

ORDER:

Heard Sri Osman Shaheed for petitioner.

The petitioner challenges the orders of learned I Additional District Judge, Kurnool and the Principal Junior Civil Judge, Kurnool, in C.M.A.No.12 of 2014 and I.A.No.728 of 2014 respectively.

The plaintiff in O.S.No.263 of 2014 is the revision petitioner. Through the orders impugned in the revision, the appellate court as well as trial court declined to grant injunction to petitioner.

The counsel for petitioner contends that the prayer for temporary injunction consists of two limbs and even assuming that the petitioner is not entitled for relief on first limb of the prayer, the petitioner, since established *prima facie* case and balance of convenience, is entitled for consideration of second limb viz., prayer restraining the defendants from interfering with the performance of duties by revision petitioner.

I have perused the orders impugned in the revision and taken note of the submission of counsel for petitioner.

This Court is of the view that no exception is pointed out against the reasons recorded by the court below. Therefore, it will have to be held that the second limb of the prayer is

appreciated but the courts below declined to exercise discretion in favour of petitioner.

The suit is one for perpetual injunction. The contention now urged by petitioner in the considered view of this Court is matter for consideration by the trial court after full-fledged trial.

I do not see illegality or irregularity in the orders impugned in the revision.

The Civil Revision Petition fails and is accordingly dismissed.

The Principal Junior Civil Judge, Kurnool is directed to consider and dispose of O.S.No.263 of 2014 as expeditiously as possible, preferably on or before 30.04.2018.

Miscellaneous petitions, if any, pending, shall stand closed.
No order as to costs.

Dt: 04.09.2017
Prv

S. V. BHATT, J

