

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.5023 of 2016

ORDER:

This civil revision petition is filed by the petitioners under Article 227 of the Constitution of India aggrieved by the order, dated 14.07.2016, passed by the Sub-Divisional Magistrate, Mobile Court, Rampachodavaram, passed in I.A.No.2 of 2016 in O.S.No.3 of 2016.

On 23.01.2016, the learned Sub-Divisional Magistrate, Mobile Court, at Rampachodavaram, passed an order in I.A.No.2 of 2016 in O.S.No.3 of 2016, the operative portion of which reads as follows:

“this Court doth order that an “Interim Injunction” be issued restraining the Respondents/Defendants, their henchmen or anybody on their behalf from interfering with the peaceful possession and enjoyment of the petitioners/plaintiffs in the schedule mentioned property situated at Pinapalli village of Nellipaka Revenue Mandal of East Godavari District. The Interim Injunction Order has granted pending disposal of the suit.”

On 14.07.2016, the learned Magistrate passed the impugned order in I.A.No.2 of 2016 in O.S.No.3 of 2016, the operative portion of which reads as follows:

“In view of the above, the petitioners failed to prove prime facie case in their favour and the balance of convenience is also in their favour, further if the injunction order is not vacated the respondent may be evicted by misusing the court orders. It is also well settled law that without possession injunction cannot be granted and also against a person who is claiming right in the property injunction cannot be granted.

In view of the above circumstances the temporary injunction order dated 23.01.2016 in I.A.No.02/2016 in

OS.No.03/2016 is hereby vacated and the petition is dismissed and the main suit is posted to 04.08.2016 for filing of the written statements of the defendants.”

Aggrieved by the said impugned order, the petitioners filed the present civil revision petition.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the impugned order passed by the trial Court in I.A.No.2 of 2016 in O.S.No.03 of 2016 has not caused any prejudice to the parties.

On perusal of the record and after hearing both the parties and in view of the fact that the impugned order passed by the trial Court in I.A.No.2 of 2016 in O.S.No.3 of 2016 has not caused any prejudice to the parties, this Court is of the view that the civil revision petition can be disposed of with the following direction:

The learned Sub-Divisional Magistrate, Mobile Court, Rampachodavaram, is directed to dispose of the O.S.No.3 of 2016, as expeditiously as possible, in accordance with law, more preferably within a period of six (6) months from the date of receipt of a copy of this order.

With the above said observation, the Civil Revision Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this civil revision petition shall stand closed.

RAJA ELANGO,J

Date: 1st February, 2017

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