

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.4122 of 2017

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging order, dated 01.05.2017 in I.A.No.1 of 2017 in CMA.No.1 of 2017 suspending order, dated 28.03.2017 in I.A.No.96 of 2017 in O.S.No.6 of 2017 granting interim injunction.

It is the case of petitioner herein that he obtained interim injunction vide order, dated 28.03.2017 in I.A.No.96 of 2017 in O.S.No.6 of 2017. Thereby, respondents herein were restrained from interfering with petition schedule property and directed not to change the nature of property pending disposal of the suit. Aggrieved by order, CMA.No.1 of 2017 along with I.A.No.1 of 2017 was filed by respondents herein.

Petitioner already filed Caveat Petition No.86 of 2017 before the Court below and it is in force by the date of passing of order impugned. In view of filing caveat by petitioner and as counsel appeared before the Court below subsequent to passing of order impugned, it can be said that order impugned is illegal.

Accordingly, order impugned is set aside and the Court below is directed to decide I.A.No.1 of 2017 afresh at an early date, in any event, not later than one month from the date of receipt of a copy of this order.

With the above direction, Civil Revision Petition is disposed of.

Consequently, pending Miscellaneous Petitions, if any, shall stand disposed of.

5th SEPTEMBER, 2017.

Note: issue c.c. in one week.

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M. SATYANARAYANA MURTHY, J

