

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

C.R.P.No.1692 of 2017

ORDER

This revision is directed against the order dated 18.01.2017 passed in I.A.No.32 of 2017 in C.M.A.No.1 of 2017 by the learned VI Additional District Judge, Sompeta.

2. The petitioners/plaintiffs filed O.S.No.34 of 2016 on the file of Junior Civil Judge, Ichapuram, for declaration and permanent injunction in respect of plaint schedule property. Along with the suit, they filed I.A.No.93 of 2016 to grant interim injunction and the same was allowed in favour of petitioners. Aggrieved by the same, the 3rd defendant filed C.M.A.No.1 of 2017. During pendency of said appeal, he also filed I.A.No.32 of 2017 seeking to stay all further proceedings in O.S.No.34 of 2016 including the injunction order passed in I.A.No.93 of 2016 and the same was allowed by the order impugned. Aggrieved by the same, the present revision is filed.

3. Learned counsel for petitioners/plaintiffs contended that without considering the material on record, the appellate Court has erroneously stayed the interim injunction granted in favour of petitioners.

4. The material on record would show that during pendency of C.M.A.No.1 of 2017, the appellate Court, by order dated 18.01.2017 in I.A.No.32 of 2017 in C.M.A.No.1 of 2017, granted stay of all

further proceedings in O.S.No.34 of 2016 including the injunction order passed in I.A.No.93 of 2016. The said order cannot be said to be erroneous warranting interference by this Court.

5. In view of the above and considering the facts and circumstances of the case, the Civil Revision Petition is disposed of, directing the appellate Court to dispose of C.M.A.No.1 to 2017 in accordance with law, within a period of three months from the date of receipt of a copy of this order. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.

7th April, 2017
sj



M.S.K. JAISWAL, J.