

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.2076 of 2017

21.04.2017

Between:

P.Satyanarayana Raju

..Petitioner

and

Zilla Parishad, Maharajapet, Visakhapatnam and another

..Respondents

Counsel for the petitioner: Mr.S.Ashok Anand Kumar

Counsel for the respondents: --

The Court made the following:



ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India seeking to quash notice, dated 07.04.2016, in I.A.No.1564 of 2010 in I.A.No.1732 of 2009 in O.S.No.297 of 2009 ordered by VI Additional District Judge, Mahila Court, Visakhapatnam.

2. The primordial stand of the petitioner is that the Court below has entertained the aforementioned I.A. filed under Order XXXIX Rule 2A C.P.C. for detention of the respondents therein, including the petitioner herein, for the purported disobedience of an interlocutory order passed pending the suit. It is the case of the petitioner that the order of interim injunction having got merged in the final decree passed in O.S.No.297 of 2009, which is the subject matter of an appeal, the Court below has no jurisdiction to entertain I.A.No.1564 of 2010 for the alleged disobedience of the interlocutory order passed pending the suit. Though, *prima facie*, I find some merit in this plea of the petitioner, I am not inclined to interfere with the proceedings initiated by the Court below at the instance of the petitioner, who has already submitted himself to the jurisdiction of the Court below by filing a counter-affidavit. Therefore, it is not appropriate for this Court to pre-judge the issue, which needs to be adjudicated in I.A.No.1564 of 2010.

3. In the above view of the matter, while declining to interdict proceedings in I.A.No.1564 of 2010 in I.A.No.1732 of 2009 in O.S.No.297 of 2009, the Court below is directed not to insist on the presence of the petitioner at the hearing of the said I.A.

4. Subject to the above direction, the Civil Revision Petition is disposed of.

5. As a sequel to disposal of the C.R.P., C.R.P.M.P.No.2713 of 2017 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

21st April, 2017
GHN

