

THE HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

Civil Revision Petition No.2121 of 2017

ORDER:

This revision petition is filed under Article 227 of the Constitution of India challenging the orders dated 13.04.2017 in I.A.No.128 of 2017 in I.A.No.118 of 2016 in O.S.No.912 of 2016 on the file of the Court of V Junior Civil Judge, City Civil Court, at Hyderabad.

Heard both the counsel and perused the material available on record.

A perusal of the record reveals that the petitioners herein have filed O.S.No.912 of 2016 on the file of the V Junior Civil Judge Court, City Civil Court, Hyderabad, against the respondents seeking perpetual injunction. Along with the suit, the petitioners have filed I.A.No.118 of 2016 under Order XXXIX Rule 1 and 2 CPC seeking interim injunction. The trial Court granted *ex parte* interim injunction in favour of the petitioners on 11.04.2016 and the same was in force up to 06.04.2017. The petitioners have filed a memo for extension of the interim order, but the same was rejected. The petitioners filed I.A.No.128 of 2017 for extension of the interim order and the same was dismissed. Hence, the present revision.

Learned counsel for the petitioners submitted that the respondents herein have not filed written statement in the main suit, therefore, their right to file written statement was forfeited. Thereafter, respondents 2 and 3 have filed an application to receive the written statement and the same is pending. However, the trial Court permitted the respondents 2 and 3 to file counter in I.A.No.118 of 2016.

Both counsel with one voice submitted that I.A.No.118 of 2016 is pending. Admittedly, there is an interim order in favour of the petitioners from 11.04.2016 to 06.04.2017. Learned counsel for respondents 2 and 3 strenuously submitted that the petitioners have filed a false suit without any right. He further submitted that the petitioners have obtained *ex parte* interim injunction order and reporting not ready.

In view of the pendency of I.A.No.118 of 2016, this Court is not inclined to express any opinion touching the merits of the main case.

Having regard to the facts and circumstances of the case, both parties are hereby directed to maintain *status quo* up to 30.06.2017. The learned V Junior Civil Judge, City Civil Court, Hyderabad, is hereby directed to dispose of I.A.No.118 of 2016 as expeditiously as possible, preferably, on or before 30.06.2017.

With the above direction, the Civil Revision Petition is disposed of. As a sequel, the miscellaneous petitions, pending if any, shall stand closed.

T.SUNIL CHOWDARY, J

27th April, 2017.

Note:

Issue C.C. by 01.05.2017

B/o.Pns.