

HON'BLE SRI JUSTICE A.V.SESHA SAI

CIVIL REVISION PETITION No.880 of 2017

ORDER:

It is an application filed under Article 227 of the Constitution of India for a direction to the learned Junior Civil Judge, Kalyandurg, Ananthapur District to consider the disposal of application filed in I.A.No.379 of 2013 in O.S.No.115 of 2013.

Heard.

The petitioner herein instituted O.S.No.115 of 2013 on the file of Court of Junior Civil Judge, Kalyandurg, Ananthapur District, for permanent injunction against the respondent herein. In the said suit, the petitioner also filed an application in I.A.No.379 of 2013, under Order 39 Rules 1 and 2 CPC, for temporary injunction to restrain the defendant, his men, relatives, friends, assignees, agents, servants etc. from interfering with the possession. When the said I.A. was coming up for counter of the respondent – defendant, the defendant did not appear which resulted in setting the defendant *ex parte*.

According to the learned counsel for the petitioner, the defendant – respondent filed I.A.No.516 of 2013 praying the Court below to set aside the order setting her *ex parte* and since then, I.A.No.516 of 2013 is pending consideration before the Court below and, in view of pendency of

I.A.No.516 of 2013, I.A.No.379 of 2013 is also undergoing adjournments and, in view of the same, the petitioner – plaintiff is sustaining irreparable loss and hardship. It is also submitted by the learned counsel for the petitioner that, in I.A.No.516 of 2013, counter affidavit has also been filed by the petitioner.

Having heard the learned counsel for the petitioner and taking into consideration the material available before the Court, this Court deems it appropriate to direct the Court of Junior Civil Judge, Kalyandurg, Ananthapur District, to dispose of I.A.No.516 of 2013, as expeditiously as possible, preferably, within a period of one month from the date of receipt of a copy of this order. Learned Junior Civil Judge shall also make an endeavour to dispose of I.A.No.379 of 2013 also in expeditious manner since the said I.A. is pending consideration since 2013.

The Civil Revision Petition is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of.

A.V.SESHA SAI,J

Date: 16.06.2017
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