

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.5586 of 2016

ORDER:

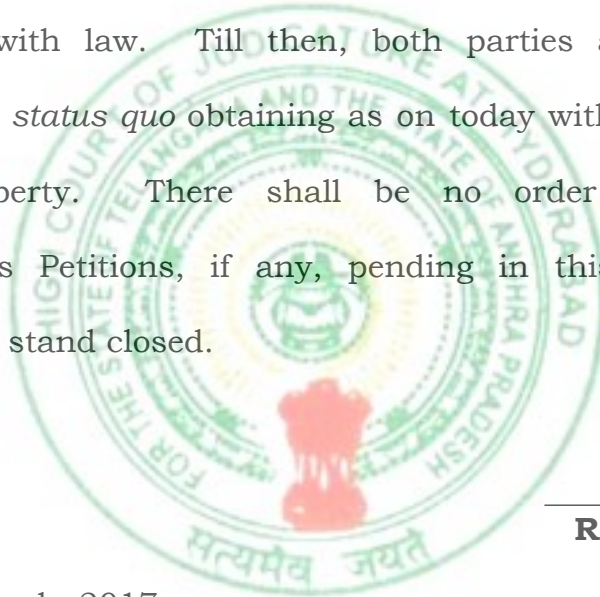
This Civil Revision Petition is filed by the petitioners/respondents, under Article 227 of the Constitution of India, aggrieved by the judgment, dated 28.09.2016, in C.M.A.No.20 of 2014, on the file of the III Additional District Judge, Kakinada, against the order, dated 07.10.2014, in I.A.No.132 of 2014 in O.S.No.89 of 2014, on the file of the I Additional Junior Civil Judge, Kakinada.

2. Heard and perused the entire material available on record.

3. The petitioners/plaintiffs filed I.A.No.132 of 2014 in O.S.No.89 of 2014 before the I Additional Junior Civil Judge, Kakinada, for temporary injunction restraining the respondent and its men from interfering with the peaceful possession and enjoyment of the petitioners over the plaint schedule property, which is situated at Nallavari Street, Nagamallithota, L.B. Nagar, Kakinada, wherein the learned trial Judge allowed the above said petition vide order, dated 07.10.2014. Aggrieved by the said order, the respondent/defendant filed C.M.A.No.20 of 2014 before the III Additional District Judge, Kakinada, wherein the learned III Additional District Judge, Kakinada, allowed the said C.M.A. vide judgment, dated 28.09.2016, by setting aside the order, dated 07.10.2014, passed by the trial Court in I.A.No.132 of 2014 in O.S.No.89 of 2014 and the petition in I.A.No.132 of 2014 was dismissed. Aggrieved by the same, the petitioners/respondents filed the present civil revision petition.

4. After hearing both the parties and perusing the material available on record, this Court is of the view that instead of adjudicating the present civil revision petition, a direction can be given to the trial Court to adjudicate the O.S.No.89 of 2014 and pass appropriate orders.

5. Accordingly, the Civil Revision Petition is disposed of directing the I Additional Junior Civil Judge, Kakinada, to adjudicate the O.S.No.89 of 2014, and pass appropriate orders, as expeditiously as possible, more preferably within a period of six (6) months from the date of receipt of a copy of this order, in accordance with law. Till then, both parties are directed to maintain the *status quo* obtaining as on today with respect to the subject property. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this civil revision petition shall stand closed.



RAJA ELANGO,J

Date: 15th March, 2017

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