

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL MISCELLANEOUS APPEAL No.719 OF 2016

JUDGMENT:

This appeal is filed under Order XLIII Rule I of C.P.C. challenging the *ex-parte* order dated 30.06.2016 passed in I.A.No.315 of 2016 in O.S.No.114 of 2016 on the file of the Court of the Principal Senior Civil Judge at Karimnagar.

Heard the learned counsel for the appellant.

A perusal of the record reveals that the appellant herein filed O.S.No.114 of 2016 on the file of the Court of the Principal Senior Civil Judge at Karimnagar against the respondents herein seeking perpetual injunction. Along with the suit, the appellant herein filed I.A.No.315 of 2016 in O.S.No.114 of 2016 seeking ad-interim injunction. The trial Court instead of granting ad-interim injunction passed *status quo* order. The grievance of the learned counsel for the appellant is that the said I.A. is pending in the trial Court for more than six months.

Notices were not served on the respondent Nos.7 and 8 and some of the respondents did not appear before this Court after receipt of notice. In such circumstances, it is not fair on the part of this Court to express any opinion with regard to the validity of the *ex-parte* order passed by the trial Court.

Learned counsel for the appellant submitted that in spite of service of notice to the respondents, they did not choose to appear before the trial Court.

In view of the submission made by the learned counsel for the appellant, the learned Principal Senior Civil Judge, Karimnagar, is hereby directed to dispose of I.A.No.315 of 2016 in O.S.No.114 of 2016, as expeditiously as possible, preferably within a period of one (1) month from the date of receipt of a copy of this order.

With the above direction, the Civil Miscellaneous Appeal is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Civil Miscellaneous Appeal shall stand closed.

Date: 27.01.2017
Note: Issue CC by Monday
(B/o)
Ivd

T.SUNIL CHOWDARY, J

