

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P.No.5967 of 2017

ORDER

This revision under Article 227 of Constitution of India is filed questioning the order passed by the Principal Junior Civil Judge, Kothagudem, in I.A.No.46 of 2016 in O.S.No.41 of 2016 dated 16.12.2016, in a petition filed under Order 39 Rules 1 and 2 read with Section 151 CPC, for grant of interim injunction during pendency of the suit.

2. The petitioner is respondent before the trial Court. Aggrieved by the interim injunction granted by the trial Court, the present revision is filed mainly on the ground that the trial Court lacks territorial or pecuniary jurisdiction.

3. The order under challenge passed in a petition filed under Order 39 Rules 1 and 2 CPC for grant of interim injunction is an appealable order under Order 43 of CPC and therefore, when an appeal lies against the order under challenge, this Court cannot exercise jurisdiction under Article 227 of Constitution of India, which is supervisory in nature.

4. Therefore, the Civil Revision Petition is dismissed at the stage of admission. However, liberty is given to the petitioner to file appropriate appeal challenging the order impugned in this revision. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand dismissed.

M. SATYANARAYANA MURTHY, J

13th November, 2017

sj