

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.6005 of 2017

ORDER:

As this Court does not propose to enter into the merits of the matter at this stage, no necessity is made out to put the respondent/plaintiff on notice.

It appears that the learned V Additional Junior Civil Judge, Kukatpally at Miyapur, thought it fit to grant an *ex parte* interim order on 18.03.2016 in I.A.No.459 of 2017 (Old I.A.No.186 of 2016) in O.S.No.108 of 2016. The petitioner herein, being the defendant in the said suit, filed a counter on 10.08.2016 in the said I.A. seeking vacating of the said order.

The grievance of the petitioner presently is that the Court below has not taken up the I.A. for passing final orders thereon.

As Order 39 Rule 3-A CPC requires the trial Court to dispose of an injunction application, where an injunction has been granted without giving notice to the opposite party, within thirty days and in the event it is unable to do so, to record its reasons for such inability, the Court below necessarily has to follow such mandate.

The civil revision petition is accordingly disposed of directing the learned V Additional Junior Civil Judge, Kukatpally at Miyapur, to adhere to and abide by the mandate of Order 39 Rule 3-A CPC.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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SANJAY KUMAR,J

Date:10.11.2017

PGS/GJ