

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

C.M.A. No. 488 of 2018

JUDGMENT:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This Civil Miscellaneous Appeal is filed challenging the order dated 29.09.2016 in I.A.No. 238 of 2016 in O.S.No. 133 of 2016 passed by V Additional District Judge, Bhongir, whereby, the Interlocutory Application filed by the respondent herein, was allowed.

The learned counsel for the appellant submits that the impugned order is violative of Order XXXIX Rule 3-A CPC for the reason that the trial Court, before issuing notice to the appellant, has not assigned any reasons for granting ad-interim injunction in favour of the respondent. Admittedly, counter affidavit to the aforesaid application has been filed by the appellant and the same is pending consideration for disposal of the application.

Keeping in view the facts and circumstances of the case and the submissions of the learned counsel for the appellant, we hereby direct the trial Court to pass final order in I.A.No. 238 of 2016 in O.S.No. 133 of 2016 after affording opportunity to both the parties to be heard, within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the Civil Miscellaneous Appeal is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

06.06.2018

ABHINAND KUMAR SHAVILI, J

bcj

