

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION.NO. 2141 OF 2018

ORDER:

This Civil Revision Petition is directed against the inaction in I.A.No.852 of 2017 in pending CMA No.5 of 2017 on the file of the Senior Civil Judge, Kavali.

CMA.No.5 of 2017 was filed against the order of temporary mandatory injunction granted by the Trial Court in favour of the respondents herein who filed O.S.No.118 of 2017 for permanent injunction. Against the temporary mandatory injunction order passed in I.A.515 of 2017 dated 17.10.2017, the petitioners herein filed CMA.5 of 2017 along with an application in I.A.No.852 of 2017 seeking suspension of the said order. The said applications could not be taken up by the learned Senior Civil Judge as there was no regular officer holding the said post. In those circumstances, in view of the urgency, these petitioners moved this Court.

It is also stated that by virtue of the orders in I.A.515 of 2017, the respondents herein filed Execution Petition also.

This Court, while issuing notice before admission on 10.4.2018, granted interim stay of all further proceedings in E.P.No.18 of 2018.

Now, a regular Presiding Officer in the Court of the Senior Civil Judge, Kavali, is available and the learned counsel for both the parties submitted that without going into the merits of the present case, they want to argue I.A.No.852 of 2017 before the learned Senior Civil Judge, Kavali.

In view of the same, this Civil Revision Petition is disposed of directing the Senior Civil Judge, Kavali to take up I.A.No.852 of 2017 and dispose of the same as expeditiously as possible but not later than two months from the date of receipt of a copy of this order. It is open to the learned Senior Civil Judge to hear CMA.No.5 of 2017 also within the said period.

Learned counsel for both the parties undertake to cooperative with the learned Senior Civil Judge, Kavali for disposal of the said matter.

In view of the above order, there shall be a direction to maintain status-quo prevailing as on today by both the parties for a period of three months.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

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A. RAMALINGESWARA RAO,J

Date: 30.4.2018

KPM