

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.3152 of 2018

ORDER:

Aggrieved by the refusal of the First Appellate Court to grant an interim order pending an appeal against the refusal of the trial Court to grant an injunction, the plaintiff in a suit for a bare injunction, has come up with the above revision.

2. Heard Mr. Thadikonda Koteswhara Prasad, learned counsel for the revision petitioner.

3. The petitioner filed a suit in O.S.No.352 of 2016. Pending the suit, the petitioner sought an interim injunction by filing I.A.No.685 of 2016. The application was dismissed forcing the petitioner to file an appeal in C.M.A.No.13 of 2017. Pending C.M.A., the petitioner sought an interim injunction by filing I.A.No.705 of 2017. The First Appellate Court dismissed the said application, forcing the petitioner to come up with the above revision.

4. This is not a case where the First Appellate Court could have granted an interim order pending a regular appeal. In an appeal arising out of refusal to grant an injunction, the Court may have to hear the appeal and dispose it of.

Therefore, the Civil Revision Petition is dismissed. However, the First Appellate Court may dispose of C.M.A.No.13 of 2017, within a period of eight (8) weeks from the date of receipt of a copy of the order. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 15-06-2018
Ksn