

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

C.R.P. No.2928 OF 2018

ORDER : (Oral)

Vide the present petition, the petitioners have challenged Docket order dated 10.04.2018 passed in I.A.No.613 of 2017 in O.S.No.723 of 2017 on the file of I Additional District & Sessions Judge Court at Guntur.

2. The grievance of the petitioners is that vide order dated 05.07.2017 passed in I.A.No.613 of 2017 in S.O.P. No.723 of 2017, the respondents No.1 and 2 were restrained from interfering with the lawful activities of the 1st petitioner as President of the Central Guntur Synod as per bye-laws of the AELC pending disposal of the main petition. Thereafter, vide order dated 24.07.2017 *suo-motu* under Section 152 of CPC, the order is modified to the extent that the interim injunction granted vide order dated 05.07.2017 shall remain stayed till the next date of hearing i.e., 26.07.2017. Thereafter, no further specific order passed by the trial Court for vacating the interim order and the matter is listed on 12.04.2018 by recording that the relief claimed in the main O.P. and S.O.P are one and the same, which is contrary to the record.

3. Learned counsel appearing on behalf of the respondents submits that under Section 152 of CPC the Court can *suo-motu* or on the application filed, modify the

order. Therefore the trial Court rightly modified the order dated 05.07.2017 through order dated 24.07.2017. The fact remains that, after extending the interim order up to 26.07.2017, thereafter, there is no order passed by the trial Court to continue or vacating the interim order. However, the said I.A.No.613 of 2017 and S.O.P.No.723 of 2017 are pending for adjudication.

4. Therefore, I hereby direct the trial Court to decide I.A. and S.O.P. mentioned above on merit by giving opportunity to both sides. Till then, the order dated 05.07.2017 shall remain in force.

5. I further make it clear that no adjournment shall be entertained from any side of the parties while deciding I.A. No.613 of 2017 and S.O.P.No.723 of 2017.

6. In view of the above, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J.

Date : 02-05-2018
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