

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.3581 OF 2018

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the docket order dated 02.05.2018 passed in I.A.No.200 of 2018 in I.A.No.157 of 2018 in O.S.No.249 of 2018 on the file of the Court of the II Senior Civil Judge, City Civil Court, Hyderabad.

2. Heard the learned counsel for the petitioner.

3. A perusal of the record reveals that the respondent filed O.S.No.249 of 2018 on the file of the Court of the II Senior Civil Judge, City Civil Court, Hyderabad, against the petitioner seeking perpetual injunction. The respondent filed I.A.No.157 of 2018 under Order XXXIX Rules 1 and 2 C.P.C. seeking interim injunction. Pending that I.A., the respondent filed I.A.No.200 of 2018 for restoration of the water connection. The trial Court disposed of the said I.A. with the following observation:

“Hence, issue ad-interim injunction restraining the respondent/defendant, the agents, successors, legal representative and any person or persons claiming through him from interfering with peaceful possession and enjoyment of the petition schedule tenanted premises till 17.04.2018. Call on 17.04.2018 and the petitioner shall comply with Order 39 Rule 3 CPC.”

4. The relief sought by the respondent is to restore the water connection, whereas the trial Court granted interim injunction in favour of the respondent. The relief sought by the respondent is different to that of the relief granted by the trial Court.

5. Having regard to the facts and circumstances of the case, this Court is of the considered view that it is a fit case to set aside

the order dated 02.05.2018 passed in I.A.No.200 of 2018 in I.A.No.157 of 2018 in O.S.No.249 of 2018 on the file of the Court of the II Senior Civil Judge, City Civil Court, Hyderabad.

6. In the result, the Civil Revision Petition is allowed setting aside the order dated 02.05.2018 passed in I.A.No.200 of 2018 in I.A.No.157 of 2018 in O.S.No.249 of 2018 on the file of the Court of the II Senior Civil Judge, City Civil Court, Hyderabad, and remanding the matter to the trial Court to dispose of I.A.No.200 of 2018 in I.A.No.157 of 2018 in O.S.No.249 of 2018 on merits. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

Date: 27.06.2018
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T.SUNIL CHOWDARY, J

