

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.1623 OF 2011

ORDER:

Aggrieved by the order dated 12.08.2010 in E.P. No.81 of 2010 in O.S. No.573 of 2002 passed by the Principal Junior Civil Judge, Rajahmundry, the petitioner preferred this revision under Section 115 of the Code of Civil Procedure, 1908 (for short 'CPC') contending that the order passed by the court below is erroneous; that though he is not interfering with the property in dispute in violation of the decree granting perpetual injunction, the court below issued warrant under Rule 32 of Order XXI CPC for his arrest to enforce the decree and the same is erroneous and hence, prayed to set aside the same.

During hearing, learned counsel for the petitioner submitted that the petitioner filed an affidavit, as directed by this Court, undertaking that he will not interfere into the said land in violation of perpetual injunction granted in favour of the decree holders/ respondents.

In view of the affidavit filed by the petitioner on 07.03.2011 undertaking that he will not interfere with the possession and enjoyment of the schedule property and will not disobey the perpetual injunction granted against him, the revision petition is allowed setting aside the order dated 12.08.2010 in E.P. No.81 of 2010 in O.S. No.573 of 2002, without touching the merits of the case and in case the petitioner violates the perpetual injunction order, the decree holders/ respondents is at liberty to take appropriate action for such disobedience, in violation of

undertaking given before this Court and to enforce the perpetual injunction. No costs.

Miscellaneous Petitions, if any, pending in this revision shall stand closed.

M.SATYANARAYANA MURTHY, J

Date:05.03.2018
BV

