

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.4786 OF 2018

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is preferred by the petitioner - 3rd plaintiff, seeking a direction to the learned Additional Senior Civil Judge, Ananthapuramu, to dispose of I.A. No.875 of 2017 in O.S. No.626 of 2017, pending on its file, at an early date.

Heard the learned counsel for the petitioner and perused the material on record.

The limited grievance of the petitioner - 3rd plaintiff in the instant Revision is that the petitioner along with other plaintiffs filed I.A. No.875 of 2017 seeking to grant *interim* injunction in their favour and to direct the respondent - 9th defendant to restrain him from alienating the suit schedule property, which is the subject matter of the suit in O.S. No.626 of 2017. As no orders have been passed thereon by the learned Senior Civil Judge, though the matter underwent several adjournments, from time to time, the petitioner filed the instant Revision for the aforesaid relief.

A perusal of the docket proceedings in I.A. No.875 of 2017 clearly shows that the I.A. was filed by the petitioner on 31.10.2017. Thereafter, the matter underwent as many as ten adjournments. In those circumstances, there is every justification on the part of learned counsel for the petitioner to complain against the Presiding Officer for not passing any orders thereon.

It may be noted that the learned Senior Civil Judge need not wait for the respondent, if notices were already served upon him in the suit.

Moreover, the question of again issuing fresh notice in the I.A. does not arise, as the respondent – 9th defendant was already set *ex parte* in the main suit itself. Be that as it may, the limited grievance of the petitioner in the instant Revision is only with respect to non passing of any orders by the learned Senior Civil Judge in I.A. No.875 of 2017.

Hence, without going into merits of the case, it would be suffice, if the learned Additional Senior Civil Judge, Ananthapuramu, is directed to pass appropriate orders in I.A. No.875 of 2017, after considering the arguments of the learned counsel for the petitioners - plaintiffs and the learned counsel, if any, appearing on behalf of respondent - 9th defendant, in accordance with law. The petitioner is at liberty to file a Petition seeking for advance hearing of I.A. No.875 of 2017, as it is brought to the notice of this Court that the I.A. stands posted to 18.09.2018.

With the above observations, the Civil Revision Petition is disposed of. No costs.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

Date: 17.08.2018.

Note:
Issue C.C. forthwith

Dsh