

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 4678 OF 2018

ORDER:

In this Civil Revision Petition filed under Article 227 of the Constitution of India, petitioner's grievance is that the learned Junior Civil Judge, Kalyandurg, is not disposing of I.A.No.448 of 2016 in O.S.No.89 of 2016, filed by the respondents/plaintiffs for temporary injunction.

On 10.08.2018, this Court directed the learned Junior Civil Judge to pass orders in I.A.No.448 of 2016 by the next date of hearing. However, *vide* his letter, dated 12.09.2018, the learned Principal District Judge, Ananthapuramu, forwarded the letter, dated 07.09.2018, addressed by the learned Junior Civil Judge, Kalyandurg, to the Registrar (Judicial), seeking to grant three months' time for disposing of the above said I.A.

In the letter, dated 07.09.2018, the impediment which the learned Junior Civil Judge cites is the order, dated 12.03.2018 said to have been passed by this Court in W.P.No.7985 of 2018 filed by respondent No.2 herein in the capacity of President of Vegetable Market Merchants Society, Kalyandurg. Whereas, the respondents herein in their individual capacity filed the aforesaid suit before the trial Court, which in turn, passed *ex parte* temporary injunction order in I.A.No.448 of 2016 on 05.05.2016.

As per Order 39 C.P.C., the injunction application would have to be disposed of within thirty days that too based on the material available on record.

In view of the above, considering the grievance of the petitioner and after taking note of the fact that *ex parte* injunction order, dated 05.05.2016, passed in I.A.No.448 of 2016 is being continued from 2016 onwards, this Court desires to give one more opportunity to the learned Junior Civil Judge with a fond hope that she would dispose of I.A. on the next date of hearing, after considering the material on record.

Accordingly, the Civil Revision Petition is disposed of with the direction to the learned Junior Civil Judge, Kalyandurg, to dispose of I.A.No.448 of 2016 in O.S.No.89 of 2016, in accordance with law, on the next date of hearing, failing which, appropriate disciplinary proceedings would be initiated against her.

Consequently, miscellaneous applications, if any shall stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:17.09.2018

Note: Issue cc in two days.
(B/o)
kdl

