

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.1339 OF 2018

JUDGMENT: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

This Writ Appeal is against the interlocutory order passed by the learned Single Judge issuing a direction to the jurisdictional police to provide protection to the writ petitioner on the strength of ad-interim order of temporary injunction issued by the trial Court in a matter still pending at that end. The complaint made by the appellant, who is the 4th respondent in the writ petition, is that the ad-interim temporary injunction order by the trial Court has been abused to obtain the order which is impugned in this appeal.

2. Hearing the learned counsel for the appellant and the learned Senior Counsel for the 1st respondent-writ petitioner, we are of the view that this is a case where the parties should make an endeavor to have the interlocutory application pending before the trial Court finally argued. We see that the Senior Civil Judge, Nizamabad is seized of that application and has adjourned the matter at request of both sides. We are also told that the said matter is currently listed on 23.10.2018. Obviously, therefore, it would be appropriate that the said interlocutory application seeking temporary injunction in the civil suit O.S.No.43 of 2018 of that Court is decided by that Court within a period of two weeks from today.

3. Based on the decision of the trial Court, the writ appellant may move the learned Single Judge to have the interlocutory order vacated. Or

otherwise, the matter to be listed for consideration of the writ petition itself.

4. Writ Appeal is ordered accordingly further directing that W.P.No.18760 of 2018 be listed before the learned Single Judge as per roster on 01.11.2018.

5. In exercise of authority under Article 227 of the Constitution of India, the Senior Civil Judge, Nizambad is directed to consider I.A.No.116 of 2018 in O.S.No.43 of 2018 and issue final orders thereon after hearing the necessary parties. That shall be done within a period of two weeks from now.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Writ Appeal stand dismissed.



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

October 12, 2018.
v v