

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.5915 of 2018

ORDER:

This civil revision petition was preferred by the plaintiffs in O.S.No.213 of 2018 on the file of the learned XVI Additional District Judge, Ranga Reddy District at Malkajgiri. Their grievance was that the injunction application filed by them in I.A.No.766 of 2018 in the said suit was not taken up by the trial Court despite the urgency in the matter.

The Docket Order placed before this Court reflected that the matter was adjourned from 12.09.2018 to 14.09.2018 and thereafter to 28.09.2018. Taking note of the urgency pleaded by the petitioners-plaintiffs, this Court ordered notice before admission in this civil revision petition on 12.10.2018 and granted an interim order which reads as under:

'In the light of the recital under Clause 7 of the Agreement of Sale dated 17.11.2017 to the effect that physical possession of the schedule property admeasuring Acs.54-13 guntas situated at Turkapalli Village, Shamirpet Mandal, Medchal-Malkajgiri District, was handed over to the first petitioner herein, there shall be an interim injunction as prayed for pending further orders.'

I.A.No.2 of 2018 was filed by the respondents in the civil revision petition to vacate the aforestated order.

This Court is however conscious of the fact that the trial Court is yet to consider the subject I.A. on its own merits and it would be wholly premature for this Court to step into the shoes of the trial Court and adjudicate the issues raised in the said I.A.

The civil revision petition is accordingly disposed of directing the trial Court to consider and dispose of I.A.No.766 of 2018 in O.S.No.213 of

2018 on its own merits and in accordance with law within thirty days from the date of receipt of a copy of this order. This would be in keeping with Order 39 Rule 3-A CPC. In the interregnum, the interim order dated 12.10.2018 shall remain operative. It is however made clear that this Court did not venture into the merits of the matter. The trial Court shall therefore proceed in the matter, completely uninfluenced by the aforestated interim order, and shall deal with the I.A. on its own merits and in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:23.11.2018

PGS



SANJAY KUMAR,J