

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.6199 OF 2018

ORDER:

The present Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner - defendant challenging the order, dated 23.02.2018, in I.A. No.93 of 2018 in O.S. No.163 of 2018 passed by the learned V Senior Civil Judge, City Civil Court, Hyderabad, whereby the petition filed under Order XXXIX, Rules 1 and 2 read with 151 of the Code of Civil Procedure, 1908 (for short 'Code'), *ad interim* injunction was granted restraining this petitioner from changing the nature of suit schedule property by doing any construction or utilizing the same as set back area.

2. Immediately on receipt of notice in compliance of Order XXXIX, Rule 3 of the Code, the petitioner appeared before the trial Court and filed counter in I.A. No.93 of 2018 on 12.03.2018, but the trial Court did not take up the matter for hearing, and thereby questioned the inaction on the trial Court by way of this revision.

3. At the stage of admission, Sri A.V. Sivaiah, learned counsel for the petitioner reiterated the contentions urged in this revision.

4. When the trial Court granted *ad interim* injunction in an application, such application has to be disposed of within thirty (30) days in terms of Order XXXIX Rule 3A of the Code. But, failure to hear and dispose of the application by the trial Court amounts to

inaction and violation of mandatory provision of Order XXXIX Rule 3A of the Code. Therefore, I deem it appropriate to direct the learned V Senior Civil Judge, City Civil Court, Hyderabad, to dispose of the application in I.A. No.93 of 2018 in O.S. No.163 of 2018, pending before it within a week from the date of receipt of a copy of the order, by affording an opportunity to both sides and in accordance with law.

5. With the above direction, the Civil Revision Petition is disposed of. No order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the present revision, stand closed.



M. SATYANARAYANA MURTHY, J

October 26, 2018

Note:

Furnish C.C. of order by 29.10.2018
(B/O.) Mgr