

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.4581 OF 2016

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, challenging the order dated 20.3.2015 in I.A. No.412 of 2015 in O.S.No.182 of 2015 on the file of the Court of I Additional Senior Civil Judge, Rajahmundry.

2. A perusal of the record reveals that the first respondent herein filed O.S.No.182 of 2015 on the file of the Court of Senior Civil Judge, Rajahmundry, seeking maintenance from the petitioner herein. Along with the suit, the first respondent filed I.A.No.412 of 2015 under Order XXXIX Rules 1 and 2 of CPC seeking interim injunction restraining the second respondent herein from releasing retiral benefits in favour of the petitioner herein. The trial Court granted *ex parte* interim injunction on 20.3.2015 in I.A.No.412 of 2015 and ordered notice to the respondents. Aggrieved by the **said** order, the petitioner filed the present civil revision petition.

3. Against the *ex parte* interim injunction, the remedy available to the petitioner is to file an application before the trial Court for vacating the *ex parte* interim injunction. The petitioner, without filing the application for vacation of the impugned order, filed the present civil revision petition. The impugned order passed by the trial Court is in accordance with law. There is no illegality or irregularity in the order passed by the trial Court, to warrant interference under Article 227 of the Constitution of India.

4. In the result, the civil revision petition is dismissed. In view of the submission made by the learned counsel for the petitioner, the trial Court is hereby directed to dispose of I.A.No.412 of 2015 on merits as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of this order. Miscellaneous petitions if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 21.6.2018
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