

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Civil Revision Petition No.5903 of 2017

ORDER:

This civil revision petition, under Article 227 of the Constitution of India, is filed by the petitioners-plaintiffs complaining, *inter alia*, that the learned Senior Civil Judge, Nalgonda, is neither extending the interim orders earlier granted in their favour nor is hearing and disposing of IA.No.677 of 2012 in OS.No.155 of 2012.

At the hearing, learned counsel for the revision petitioners-plaintiffs submitted as follows: - 'The suit is filed for partition. The afore-stated Interlocutory Application is filed for a temporary injunction restraining the defendants from alienating and creating third party interests over the plaint schedule property during the pendency of the suit. The trial Court initially granted *status quo* orders. The same are extended from time to time on filing of memos for extension by the learned counsel for the plaintiffs. Accordingly, the interim *status quo* orders are extended till 18.07.2013. On one occasion, when the memo could not be filed for extension of time, the *status quo* orders were not extended. Subsequently, the trial Court did not consider the request for extension of the said orders and is also not disposing of the said IA. Taking advantage of non extension of the interim orders earlier granted, the defendants are trying to alienate the plaint schedule property. If the defendants succeed in the said attempts during the pendency of the suit, complex situations would arise and it would become difficult for the plaintiffs to realize the fruits of the decree in case of their ultimate success in the suit.'

Having so submitted, learned counsel prays for disposing of the revision petition directing the trial Court to dispose of IA.No.677 of 2012 in OS.No.155 of 2012 or in the alternative to consider the request for extension of *status quo* orders in the event the plaintiffs file a petition for extension of the said orders.

Having regard to the submissions and the narrow compass of the issue involved in the revision petition, this Court is of the considered view that this revision petition can be disposed of at the stage of admission as any alienations or transfer or conveyances related to the plaint schedule property during the pendency of the suit will be subject to the result of the suit.

In the result, the Civil Revision Petition is disposed of directing the trial Court to either consider the application, which the plaintiffs may file for extension of status quo orders, or in the alternative hear and dispose of IA.No.677 of 2012 in OS.No.155 of 2012 as expeditiously as possible and preferably within two (02) weeks from the date of receipt of a copy of this order, however, after giving an opportunity of hearing to the defendants and in strict accordance with the procedure established by law. Both parties are directed to maintain *status quo* as on today for a period of two (02) weeks from 03.02.2018.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M. SEETHARAMA MURTI, J

02.02.2018

Note: Issue CC by 03.02.2018.

[B/o]

Vjl