

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.7249 OF 2018

ORDER:

This revision petition is filed under Article 227 of the Constitution of India, challenging the order, dated 20.07.2018, passed in I.A.No.29 of 2018 in O.S.No.371 of 2017 by the Additional Junior Civil Judge, Dharmavaram, FAC Principal Junior Civil Judge, Dharmavaram, committing him to civil prison for violation of interim order dated 15.12.2017 passed in I.A.No.738 of 2017.

The petitioners allegedly violated the interim order and interfered with the possession and enjoyment of the property willfully. Therefore, disobedience of the order passed by the Court below i.e. injunction, attracts violation of interim injunction under Order XXXIX Rule 2(a) C.P.C., but the petition is filed under Order XVII Rules 1 and 2 C.P.C.

It is the contention of the petitioners that the Court below did not look into the Commissioner's report and other material, passed the impugned order sentencing the petitioners to undergo civil prison for one month and the period of civil prison for one month is expired as on date. The merits of the impugned order need not be gone into since I.A.No.738 of 2017 is pending for adjudication before the Court below. As such the Court below is directed to dispose of I.A.No.738 of 2017 as expeditiously as possible, in any event, not less than two months from the date of receipt of a copy of this order without touching the merits of the case since the petitioners already released after completion of period of sentence.

In the result, the civil revision petition is disposed of as no relief need be granted in view of the release of the petitioners from the civil prison, leaving it open to the petitioners to raise their contentions permissible under law before the Court below. There shall be no order as to costs.

Pending miscellaneous Petitions, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

21.12.2018
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