

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.449 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner herein/defendant aggrieved by the order dated 05.12.2018 passed in I.A.No.1693 of 2018 in I.A.No.1539 of 2018 in O.S.No.697 of 2018 by the I Additional Junior Civil Judge, Ranga Reddy District at L.B. Nagar.

2. Heard the learned counsel for the revision petitioner/defendant, learned counsel for the respondent/plaintiff and perused the record.

3. Learned counsel for the revision petitioner/defendant would contend that the impugned order dated 05.12.2018 passed by the Court below is erroneous. It is further contended that *ex parte* interim injunction was granted on 05.11.2018 in I.A.No.1539 of 2018 in O.S.No.697 of 2018 without notice to the revision petitioner, who purchased the property, constructed a house and residing therein. Further, the revision petitioner has electricity connection and other documents to substantiate the same. It is further contended that since the said interim injunction order dated 05.11.2018 is not made absolute yet, the Court below ought not have passed the impugned order.

4. On the other hand, learned counsel for the respondent/plaintiff would contend that the Court below had rightly passed the impugned order to protect the interim injunction order granted on 05.11.2018, since there is interference from the revision petitioner and his henchmen and ultimately prayed to dismiss the revision petition by sustaining the impugned order.

5. The respondent/plaintiff could not substantiate that *ex parte* interim injunction order granted on 05.11.2018 in I.A.No.1539 of 2018, is made absolute. There is a serious dispute with regard to possession over the subject disputed property. On perusal of the impugned order dated 05.12.2018 reveals that it is an *ex parte* order.

6. Since no record is placed to show that *ex parte* interim injunction order dated 05.11.2018 is made absolute, the Court below ought not have granted police protection vide impugned order dated 05.12.2018 passed in I.A.No.1693 of 2018.

7. Under these circumstances, the impugned order dated 05.12.2018 passed in I.A.No.1693 of 2018 in O.S.No.697 of 2018 by the I Additional Junior Civil Judge, Ranga Reddy District at L.B. Nagar, is set aside.

8. This Civil Revision Petition is disposed of accordingly. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 12.09.2019
ssp