

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition Nos.1629 and 1631 of 2019

COMMON ORDER :

Heard the counsel for petitioner in both the Revisions. None appears for respondent.

2. Since both these Revisions arise out of the same suit between the same parties, they are therefore disposed of by this Common Order.

3. The respondent had filed the suit against petitioner for a perpetual injunction restraining petitioner from interfering with her alleged possession and enjoyment of the suit schedule property.

4. Pending suit, the respondent filed Interlocutory Application No.25 of 2019 under Order XXXIX Rules 1 and 2 of Civil Procedure Code, 1908 for grant of *ad interim temporary injunction* restraining the petitioner from interfering with her alleged possession and enjoyment over the suit schedule property till disposal of the suit.

5. The respondent filed Exs.P.1 to P.11 in support of her plea.

6. The petitioner filed counter and Written Statement disputing the claim of respondent and marked Exs.R.1 to R.20 in the said I.A.

7. By order dt.11.06.2019, the VII Junior Civil Judge, City Civil Court, Hyderabad allowed the said I.A. and restrained the petitioner

from interfering with the possession of respondent over the suit schedule property till disposal of the suit.

8. Challenging the same, the petitioner filed Civil Miscellaneous Appeal No.54 of 2019 before the III Additional Chief Judge, City Civil Court, Hyderabad.

9. In that C.M.A., the petitioner filed Interlocutory Application No.1101 of 2019 under Order XXXIX Rules 1 and 2 of Civil Procedure Code, 1908 seeking *ad interim injunction* in her favour restraining the respondent from interfering with her alleged possession and enjoyment of the suit schedule property.

10. She also filed Interlocutory Application No.1102 of 2019 under Order 41 Rule 5 read with Section 151 of Civil Procedure Code, 1908 to suspend the order dt.11.06.2019 passed in Interlocutory Application No.25 of 2019.

11. Both these applications were dismissed by the lower Appellate Court on 10.07.2019.

12. The counsel for petitioner contended that both the orders are erroneous and deserve to be set aside, and that under the guise of the erroneous order passed by the Trial Court granting temporary injunction to the respondent, the respondent is attempting to dispossess petitioner from the suit schedule property.

13. Since the Civil Miscellaneous Appeal No.54 of 2019 is still pending on the file of the III Additional Chief Judge, City Civil Court, Hyderabad, I am not inclined to exercise Revisional jurisdiction at this stage in regard to the interim orders passed by the said Court in Civil Miscellaneous Appeal No.54 of 2019.

14. Since any observation made by this Court on merits would be prejudicial to one or the other parties, the Civil Revision Petitions are disposed of directing the III Additional Chief Judge, City Civil Court, Hyderabad to decide the Civil Miscellaneous Appeal No.54 of 2019 on its file within one (01) month from the date of receipt of copy of this order, after considering submissions of both sides uninfluenced by any observations made in the order passed in Interlocutory Application No.25 of 2019 on 11.06.2019 or in the orders passed by it on 10.07.2019 in Interlocutory Application Nos.1101 and 1102 of 2019 in Civil Miscellaneous Appeal No.54 of 2019. No order as to costs.

15. As a sequel, miscellaneous petitions pending if any in these Civil Revision Petitions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 12.07.2019

Ndr/*