

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2124 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/plaintiffs, challenging the judgment, dated 25.01.2019, passed in C.M.A.No.8 of 2017 by the IX Additional Chief Judge, City Civil Court, Hyderabad.

2. The facts that led to filing of this Civil Revision Petition, in brief, are as follows:

Initially, the petitioners/plaintiffs filed a suit for perpetual injunction in O.S.No.696 of 2016 before the XIX Junior Civil Judge, City Civil Court, Hyderabad, against the respondents/defendants. In that suit, the petitioners/plaintiffs filed an Interlocutory Application in I.A.No.73 of 2016 before the XIX Junior Civil Judge, City Civil Court, Hyderabad, under Order XXXIX Rules 1 and 2, for grant of temporary injunction restraining the respondent No.1/defendant No.1 and her associates from entering and taking possession of the suit schedule property, pending disposal of the main suit. The said interlocutory application was dismissed by the learned XIX Junior Civil Judge, City Civil Court, Hyderabad, by order, dated 13.12.2016. Aggrieved by the same, the petitioners/plaintiffs filed an appeal in C.M.A.No.8 of 2017 before the IX Additional Chief Judge, City Civil Court, Hyderabad. The learned IX Additional Chief Judge, vide order, dated 25.01.2019, which is impugned in this Civil Revision Petition, dismissed the

appeal. Aggrieved by the same, the petitioners/plaintiffs filed this Civil Revision Petition.

3. Heard the learned counsel for the petitioners/plaintiffs and perused the record.

4. The learned counsel for the petitioners/plaintiffs would contend that the orders passed by both the Courts below are unsustainable. Though the petitioners/plaintiffs have got *prima facie* case and balance of convenience in their favour, the Court below erroneously declined to grant the relief of temporary injunction in favour of the petitioners/plaintiffs. The Court below failed to appreciate the contentions of the petitioners/plaintiffs in proper perspective and ultimately prayed to set aside the order under challenge and grant temporary injunction in favour of the petitioners/plaintiffs as prayed for.

5. The material placed on record reveals that trial Court, having examined the documents and the submissions made by both the sides in detail, was pleased to dismiss the interlocutory application for temporary injunction filed by the petitioners/plaintiffs, assigning reasons. As per the records, the petitioners/plaintiffs could not make out a *prima facie* case and balance of convenience in their favour for grant of temporary injunction. Further, they could not substantiate that they would be put to irreparable loss in the event of not granting temporary injunction, during the pendency of the suit. The respondent No.1/defendant No.1 has got registered documents to her credit to show the ownership and possession over the suit schedule property. Under these circumstances, there

is no illegality or infirmity in the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

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Dr. SHAMEEM AKTHER, J

19<sup>th</sup> September, 2019  
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