

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2212 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/defendant No.1 aggrieved by the order dated 11.12.2018 passed in I.A.No.356 of 2018 in O.S.No.30 of 2018 by the VIII Additional District Judge at Miryalaguda.

2. Heard the learned counsel for the revision petitioner and perused the record.

3. It has been submitted that though an order in I.A.No.356 of 2018 in I.A.No.30 of 2018 was passed on 30.10.2018 without notice, the said order was extended *vide* order dated 11.12.2018 until further orders.

4. In the course of submissions, it is brought to the notice of this Court that I.A.No.356 of 2018 is pending and it is not yet determined. Under these circumstances, it is appropriate to refer the provision under Order XXXIX Rule 3A of CPC, which reads as under:

“3A. Court to dispose of application for injunction within thirty days

Where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which the injunction was granted; and where it is unable so to do, it shall record its reasons for such inability”

5. It appears from the record that I.A.No.356 of 2018 is neither made absolute nor disposed of and it is kept pending. Since I.A.No.356 of 2018 is not disposed of in terms of Order XXXIX Rule 3A of CPC as indicated above, the Court below is directed to dispose of the said I.A. in terms of Order XXXIX Rule 3A of CPC, as expeditiously as possible, preferably, within a period of 30 days from the date of this order.

6. With the above direction, the Civil Revision Petition is disposed of at the admission stage. No order as to costs.

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

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Dr. SHAMEEM AKTHER, J

Date: 23.09.2019  
ssp

