

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2215 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/defendant aggrieved by the action of the learned VII Additional Junior Civil Judge, Warangal, in not disposing of I.A.No.720 of 2018 in O.S.No.838 of 2018.

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

3. It is evident from the record that *ex parte* ad interim injunction was passed on 21.08.2018 in I.A.No.720 of 2018 in O.S.No.838 of 2018 by the VII Additional Junior Civil Judge, Warangal. The said I.A. is being adjourned from time to time and not yet disposed of. Hence, 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”

4. In terms of the above provision, the Court below ought to have disposed of the said application, but it did not do so far. It reflects laches on the part of the Court below in not disposing of the said application.

5. Under these circumstances, the Court below is directed to dispose of I.A.No.720 of 2018 in O.S.No.838 of 2018, 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 stage of admission. There shall be no order as to costs.

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

Dr. SHAMEEM AKTHER, J

Date: 23.09.2019
ssp

