

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.21377 of 2019

ORDER:

The present writ petition is filed to declare the inaction of respondents 1 to 4 in extending the police aid for implementation of the *ex parte* judgment and decree, dated 18.04.2019, passed in O.S.No.321 of 2018, by the learned Junior Civil Judge, Nalgonda, whereby a perpetual injunction has been granted in respect of the land to an extent of Ac.1.35 guntas in Survey No.73/aa situated at Venkatadripalem Hamlet of Pajjur Village, Thipparthi Mandal, Nalgonda District, as being illegal, arbitrary and unjust.

2. Heard Sri Ch.Shashibhushan, learned counsel for the petitioner, learned Assistant Government Pleader for Home and Sri K.Mahipathi Rao, learned counsel for the unofficial respondents 5 and 6.

3. Learned counsel for the unofficial respondents 5 and 6 submits that respondents 5 and 6, being the defendants in the said suit, filed an application in I.A.No.518 of 2019 in the above suit, on 01.06.2019, for setting aside the *ex parte* judgment and decree, dated 18.04.2019, and the said application is posted to 01.05.2020. Learned counsel further submits that respondents 5 and 6 thereafter, on 11.12.2019, filed another application, being I.A (SR).No.725 of 2019, for advancement of I.A.No.518 of 2019.

4. Having regard to the submissions made on behalf of the unofficial respondents and also taking into consideration the fact that the petitioner being a helpless lady, needs protection with regard to the implementation of the judgment and decree, this Court is of the considered view that the

interest of justice would be met, if a direction is given to the trial Court to advance the date of hearing of I.A.No.518 of 2019 and dispose of the same within a time frame.

5. The writ petition is accordingly disposed of, directing the learned Junior Civil Judge, Nalgonda, to advance the date of hearing of I.A.No.518 of 2019 filed for setting aside the *ex parte* judgment and decree, dated 18.04.2019, passed in O.S.No.321 of 2018, and dispose of the same as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. Both the learned counsel for the petitioner and the unofficial respondents undertake to place a copy of this order before the trial Court by way of a Memo to enable the trial Court to act on the same.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:12.12.2019

Note:

Issue C.C. by tomorrow.

(B/o)

PGS