

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P. No.5326 OF 2018

ORDER :

Heard counsel for petitioner, Sri V.M.M.Chary, counsel appearing for respondents 1 & 2 and Sri N.Ashok Kumar, Counsel appearing for 3rd respondent.

2. This Revision is filed challenging the order 23.07.2018 in I.A.No.3033 of 2018 in CMA No.77 of 2018 of the Chief Judge, City Civil Court, Hyderabad.

3. The respondents 1 & 2 had filed O.S.No.110 of 2018 before the IV Junior Civil Judge, City Civil Court, Hyderabad for a Perpetual Injunction restraining the appellant and 3rd respondent from interfering with the construction being made by them in the suit schedule property.

4. They also filed I.A.No.37 of 2018 under Order XXXIX Rule 1 & 2 CPC seeking grant of *ad-interim* injunction in their favour against the petitioner and the 3rd respondent.

5. On 05.06.2018, after hearing both sides, the trial Court granted *ad-interim* injunction restraining the petitioner and 3rd respondent from making any kind of interference with the construction of the respondents 1 & 2 made in

accordance with the approved sanctioned plan until disposal of the suit.

6. Challenging the said order, petitioner filed CMA.No.77 of 2018 before the Chief Judge, City Civil Court, Hyderabad and also filed I.A.No.3033 of 2018 therein seeking suspension of the order dt.05.06.2018 in I.A.No.37 of 2018 in O.S.No.110 of 2018 passed by the trial Court.

7. By the impugned order dt.23.07.2018, the lower Appellate Court dismissed the said I.A.

8. Assailing the same, this Revision is filed.

9. Now it is stated by counsel petitioner as well as the counsel for respondents 1 & 2 that the main appeal itself is posted to 04.04.2019 for disposal.

10. Therefore, I do not intend to express any opinion on the correctness of the order passed by the Chief Judge, City Civil Court, Hyderabad, since it would affect the rights of the parties in the CMA. However, the Chief Judge, City Civil Court, Hyderabad is directed to decide the said CMA itself on that day i.e., 04.04.2019, after hearing both sides uninfluenced by its observations in the order dt.23.07.2018 in I.A.No.3033 of 2018 in CMA.

11. The Civil Revision Petition is disposed of with the above observations. No order as to costs.

12. Consequently, miscellaneous petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

12th March, 2019.

Note: Issue CC in one week.

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