

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

C R P NO: 719 OF 2021

Petition under Article 227 of the Constitution of India, to direct Senior Civil Judge, Kamareddy to dispose of O.S. No.69 of 2019 pending on its file expeditiously.

Between:

1. Yadagiri Vollela, S/o Late V. Rajaiah, Aged 43 years, Occ. Government Teacher, R/o H.No. 14-59, Sutharigalli, Near RTC Bus stand, Bibipet, Kamareddy Mandal, Nizamabad District.
2. Swapna Vollela, W/o V. Yadagiri, Aged 38 years, Housewife, R/o H.No. 14-59, Sutharigalli, Near RTC Bus stand, Bibipet, Kamareddy Mandal, Nizamabad District.
3. Prameela Vollela, W/o Late V. Rajaiah, Aged 67 years, Occ. House wife, R/o H.No. 14-59, Sutharigalli, Near RTC Bus Stand, Bibipet, Kamareddy Mandal, Nizamabad District.

...PETITIONERS/DEFENDANTS

AND

1. Mada Krishna, S/o Narayana, Aged 56 years, Occ. Driver, R/o H.No.16-18, Main Road, Bibipet Village and Mandal, Kamareddy District.

...RESPONDENT/PLAINTIFF

2. Pabba Yadagiri, S/o Gouraiah, aged 65 years, Occ. Retired Govt. Teacher, R/o H.No.10-18, Uradamagalli, Near Bibipet Village and Mandal, Kamareddy District.

...RESPONDENT/4TH DEFENDANT

Counsel for the Petitioners: SRI. G SUNDARESAN

Counsel for the Respondents: None appeared

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

CIVIL REVISION PETITION NO.719 OF 2021

ORDER:

The Civil Revision Petition is filed by the petitioners seeking a direction to the court below to dispose of the O.S. No.69 of 2019 on the file of Senior Civil Judge, at Kamareddy.

2. The petitioners herein are the defendants in the suit. The respondents filed the above suit for permanent injunction in respect of the suit schedule property.

3. Heard the learned Counsel for the petitioners.

4. The learned Counsel for the petitioners sought to impress upon this court that the suit filed by the respondent/plaintiff being a suit simplicitor for permanent injunction, this Court may be pleased to direct the Court below to dispose of the suit itself.

5. Learned Counsel for the petitioners however, does not dispute the fact that the Court below had granting ad-interim injunction on 16.10.2019 in I.A. No.432 of 2019 in O.S. No.69 of 2019 filed by the respondents herein and the said injunction order is still subsisting.

6. Learned Counsel for the petitioners submits that the written statement in the suit as well as the counter in the above I.A. had been filed by the petitioner/defendant on 13.02.2020. Even after filing counter, the I.A. has not been disposed of and the *ex parte* injunction granted is being extended from time to time. Learned Counsel for the petitioners also submits that the order of granting *ex parte* injunction by the Court below is without assigning any

reasons and contrary to law declared by the Hon'ble Apex Court in ***Shiv Kumar Chadha etc., v. Municipal Corp. of Delhi***¹.

7. I see considerable force and justification in the submissions made by the learned Counsel for the Petitioners. In view of the above, the Civil Revision Petition is disposed of and learned Senior Civil Judge, at Kamareddy, Kamareddy District, is hereby directed to dispose of the I.A. No.432 of 2020 in O.S. No. 69 of 2019, within a period of six weeks from the date of receipt of copy of this order, after hearing both sides. The petitioners are also permitted to place a copy of this order before the Court below and seek for early disposal of the I.A.

8. The miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

1 (1993) 3 SCC 161

SD/-SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Senior Civil Judge, Kamareddy.
2. One CC to SRI. G. Sundaresan, Advocate [OPUC]
3. Two CD Copies
4. One Spare Copy

CDL
TP

V. A.

HIGH COURT

DATED: 08/06/2021

ORDER

CRP.No.719 of 2021



DISPOSING OF THE C.R.P

⑤ VLV
26/6/21