

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION NO: 1378 OF 2021

Between:

V. Narsimha Reddy, S/o. V. Linga Reddy,

...Petitioner/Defendant No.5

AND

1. Sri G.Sunil Kumar, S/o. Sri Shyam Rao, Age about 36 years, Occ: Business R/o H.No. D68, B-Blocks Colony, Behind Muntaz College, Malakpet, Hyderabad.
2. Sri D.V.Reddy, S/o. Sri D.B.Reddy, Aged about 56 years, Occ: Business, R/o. H.No. 11-11-10/2, Plot No.12, Indira Nagar, Road No.1, K.V.Ranga Reddy, Telangana State.
....Respondents/Plaintiffs
3. Mohammed Tariq Yousuf, S/o. Mirza Yousuf, Aged about 44 years, Occ: Business, R/o H.No. 18-2-598, Jangammet, Falaknuma, Hyderabad.
4. Noor Mohammed Khasim, S/o. Khasim Shaik Alias Saleem, Aged 28 years, R/o. Saidabad Colony, Malakpet, Hyderabad.
5. Mohammed Fasiuddin, S/o. Mohammed Salauddin alias Patel, Aged 37 years, R/o. Saidabad Colony, Malakpet, Hyderabad.
6. Subhash Lekhray Gupta @ Subhash Kumar, S/o. late Lekh Raj Gupta. Aged 78 years, Occu Business, R/o. Plot No.252, Road No.3, Banjara Hills, Hyderabad
(Respondents No.3 to 6 are not necessary parties to this petition)

Respondents

Petition under Article 227 of the Constitution of India praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the Injunction granted by the II Additional Junior Civil Judge-cum-II Additional Metropolitan Magistrate, Ranga Reddy District, at L.B.Nagar, in IA.No.134/2021 in OS.No.1032/2021 dated 05.08.2021.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the ad-interim injunction granted by the IInd Additional Junior Civil Judge - Cum - IInd Additional Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar in IA No.134/2021 in OS No.1032/2021 dated 05/08/2021, pending disposal of the CRP No. /2021, Pending disposal of CRP 1378 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRIN.PRAVEEN REDDY Advocate for the Petitioner, the Court made the following.

ORDER

In pursuance of the docket order dated 04.02.2022, the court below i.e., II Additional Junior Civil Judge - cum - II Additional Metropolitan Magistrate at L.B.Nagar, R.R. District filed explanation for not disposing of IA.No.134 of 2021 in O.S.No.1032 of 2021 within the time frame fixed by this court.

The case of the revision petitioner / defendant No.5 is that the respondents 1 and 2 herein, who are plaintiffs in the suit, filed IA.No.134 of 2021 and obtained *ex parte ad*

interim injunction, and they are in collusion with respondents 2 and 3 in the said application, and because of the same, notice is not being served on them, and though the revision petitioner filed counter affidavit and vacate petition in the said Interlocutory Application, the court below without examining this aspect, is adjourning the matter. He further submits that in spite of the directions of this court, the court below has now adjourned the matter by two months.

The above circumstances show that the court below has not taken in all its seriousness the directions of this court for disposal of the I.A., and further the posting of the matter after two months despite the time framed fixed by this court shows the scant receipt for the directions of this court. Further a perusal of the explanation shows that it is not convincing.

Having regard to the facts and circumstances of the case, the court below to examine the averments made by the revision petitioner for non-service of notice on respondents 2 and 3 in the Interlocutory Application, and take action in accordance with law for disposal of the Interlocutory Application.

It is open for the revision petitioner to file an advancement petition, and the court below to look into the same and take action in accordance with law.

List after two weeks on 25.02.2022.

//TRUE COPY//

SD/- V.SUDHA
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. II Additional Junior Civil Judge – cum – II Additional Metropolitan Magistrate at L.B.Nagar, R.R. District (By Special Messenger)
2. Sri G.Sunil Kumar, S/o. Sri Shyam Rao, R/o H.No. D68, B-Blocks Colony, Behind Muntaz College, Malakpet, Hyderabad. (by RPAD)
3. Sri D.V.Reddy. S/o. Sri D.B.Reddy, R/o. H.No. 11-11-10/2, Plot No.12, Indira Nagar, Road No.1, K.V.Ranga Reddy, Telangana State. (by RPAD)
4. One CC to SRI.N PRAVEEN REDDY Advocate [OPUC]
5. One spare copy

HIGH COURT

ARR.J

DATED; 11.02.2022 -

NOTE: LIST AFTER TWO WEEKS
ON 25.02.2022

CRP.NO.1378 OF 2021

DIRECTION

