

THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

C.R.P.No.177 OF 2016

ORDER:

This civil revision petition, under Article 227 of the Constitution of India, is directed against the order dated 19.11.2015 passed in C.M.A.No.9 of 2015, on the file of the VII-Additional District Judge, Mahabubnagar, FAC:IX-Additional District and Sessions Judge at Wanaparthy, wherein the said appeal filed by the respondents, was allowed by vacating the temporary injunction order granted earlier dated 05.09.2015 in I.A.No.243 of 2013 in O.S.No.54 of 2013 on the file Senior Civil Judge, Wanaparthy.

2. Heard learned counsel for the petitioners as well as the learned counsel for the respondents. Perused the record.

3. Petitioner-plaintiff filed the suit in O.S.No.54 of 2013 for perpetual injunction in respect of suit schedule property against the respondents. While so, an application in I.A.No.243 of 2013 under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 (for short 'CPC') filed for grant of temporary injunction restraining the respondents from interfering with his peaceful possession and

enjoyment of the petitioner over the suit schedule property. Respondents resisted the same and filed counter. On consideration of material on record, learned trial Court allowed the said application and granted temporary injunction orders in favour of the petitioners herein. Aggrieved by the same, the respondents herein preferred CMA No.9 of 2015 against the orders of the trial Court and, the appellate Court on hearing the submissions of both the counsel on re-appreciation of the entire material evidence on record vacated the temporary injunction orders granted by the trial Court in I.A.No.243 of 2013 in O.S.No.54 of 2013 dated 19.11.2015. Challenging the said orders, the present revision is filed.

4. After hearing the submissions of both the counsel and on consideration of the material on record, this Court is of the view that instead of deciding the revision on merits, in the interest of both the parties, it would be appropriate to direct the trial Court to dispose of the main suit by fixing time limit as the subject matter of the suit is pertaining to the year 2013.

5. Accordingly, the civil revision petition is disposed of. The trial Court is directed to dispose of the main suit O.S.No.54 of 2013 as expeditiously as possible, preferably, within three months from the date of receipt of a copy of this order. Till such time, both parties are directed to maintain *status quo*, obtaining as on today in respect of the suit schedule property. The contentions raised by the parties before this Court are left open to be raised before the Court below. There shall be no order as to costs.

6. As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.SANTHOSH REDDY, J

Date: 19.01.2023

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