

THE HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2611 OF 2016

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India, challenging the docket order dated 24.06.2015 passed in I.A.No.475 of 2015 in O.S.No.423 of 2015, on the file of XI Additional Chief Judge, City Civil Court, Hyderabad, directing both parties to maintain *status quo* in a petition filed under Order 39 Rules 1 and 2 C.P.C. while posting the matter for counter to 29.06.2015.

2. The main grievance of the learned Government Pleader for Arbitration is that as directed by the trial Court, counter has been filed but despite requests of the learned counsel for the petitioners, the learned XI Additional Chief Judge is not taking up the matter and deciding on merits.

3. Sri R.A.Achuthanand, learned counsel for the respondents supported the order.

4. As seen from the order dated 24.06.2015, the petition filed under Order 39 Rules 1 and 2, the trial Court instead of passing an order granting interim injunction, directed both parties to maintain *status quo* and posted the matter for counter of the respondents. Admittedly, the petitioners herein, who are respondents before the trial Court filed counter in I.A.No.475 of 2015 in O.S.No.423 of 2015. When the trial Court issued such

direction, it is the duty of the Court to decide the injunction petition within 30 days as contemplated under Order 39 Rule 3A C.P.C. but refusing to take up the matter and decide the same by the Court is against purport of Order 39 Rule 3A C.P.C. since it obligates the Court to make an endeavour to finally dispose of the application within 30 days from the date on which the injunction was granted. However, it is for the trial Court to decide the application though both parties were directed to maintain status quo which leads to serious complications.

5. In those circumstances, I find that it is a fit case to issue a direction to the trial Court to decide I.A.No.475 of 2015 in O.S.No.423 of 2015 as expeditiously as possible but not later than 30 days from the date of order, strictly adhering Order 39 Rule 3A C.P.C. and both parties directed to get ready and cooperate for the disposal of the petition.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

7. Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 31.08.2016
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