

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTY SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE T. AMARNATH GOUD

CIVIL REVISION PETITION NO: 315 OF 2021

Petition under Article 227 of the Constitution of India, for not disposing I.A.No.21 of 2019 in O.S.No.07 of 2019 on the file of the Junior Civil Judge, at Medak District.

Between:

Kadaveru Swamy, S/o, Narsaiah, Aged about 39 years, Occ. Agriculture and Private Employee, R/o, H.No. 7-9, Chinna Nizampet Village of Dubbik Mandal, Siddipet District.

...Petitioner(Petitioner/Plaintiff)

AND

1. Kadaveru Narsimlu, S/o, Late Dasharatham, Aged about 29 years, Occ. Private Employee, R/o, Chinna Nizampet Village of Dubbik Mandal, Siddipet District.
2. Kadaveru Bhanu, S/o, Late Dashratham, Aged about 24 years, Occ. Private Employee, R/o, Chinna Nizampet Village of Dubbik Mandal, Siddipet District.
3. Kadaveru Pushpa, W/o, Late Dasharatham, Aged about 47 years, Occ. Beedi worker, R/o, Chinna Nizampet Village of Dubbik Mandal, Siddipet District.

...Respondents(Respondents/Defendants)

IA NO: 1 OF 2021

Petition under Order 39 Rules 1 and 2 of C.P.C. praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to grant ad-interim injunction restraining the respondents from interfering with the possession and enjoyment of the suit property i.e., land in Sy.No. 526/A admeasuring ac. 2.17 gts., situated at Naskal Village of Nizampet Mandal, Medak District, pending disposal of the main C.R.P., in the interest of justice.

Counsel for the Petitioner: SRI N. HARI PRASAD

Counsel for the Respondents: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

CIVIL REVISION PETITION No.315 of 2021

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff, stating that the learned Junior Civil Judge at Medak is not disposing of the application vide I.A.No.21 of 2019 in O.S.No.7 of 2019.

2. Heard the learned counsel for the petitioner and perused the record.

3. The learned counsel for the petitioner/plaintiff would submit that the petitioner/plaintiff filed suit vide O.S.No.7 of 2019 for perpetual injunction and also filed an application vide I.A.No.21 of 2019 for temporary injunction before the learned Junior Civil Judge at Medak, but at least after lapse of two years from the date of filing the suit, the learned Junior Civil Judge, has not passed any orders whatsoever without any reason. Taking advantage of the same, the respondents/defendants are trying to dispossess the petitioner.

4. A perusal of the record would show that in the grounds of revision, there is no affidavit filed by the petitioner showing the reasons like number of adjournments granted by the trial Court and reasons for granting adjournments and any other specific instances to show that that there is any intention on the part of the learned Junior Civil Judge, in not passing orders. In the absence of such affidavit, this Court cannot draw any adverse inference against the learned Junior Civil Judge. Further, learned counsel for the petitioner herein is not the counsel appearing before the trial

Court. Without there being any material and specific pleadings made by the petitioner/plaintiff to convince this Court against the action of the trial Court as alleged, this Court cannot pass any order, directing the trial Court to dispose of the subject Interlocutory application within a stipulated period. Hence, the Civil Revision Petition is liable to be dismissed. Filing of cases in causal manner needs to be stopped and costs to be imposed.

Therefore, the Civil Revision Petition is dismissed. However, in the circumstances of the case, the petitioner is directed to pay costs of Rs.5,000/- (Five thousand rupees only) in favour of the Advocates Bar Association, Medak.

Pending Miscellaneous Petitions, if any, shall stand closed.

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR

[Signature]
//TRUE COPY//

SECTION OFFICER

To,

1. The Junior Civil Judge, at Medak District.
2. The Secretary, Advocates Bar Association, Medak.
3. One CC to Sri N. Hari Prasad, Advocate [OPUC]
4. Two CD Copies

MMK

gbr

[Signature]

HIGH COURT

DATED:26/02/2021



ORDER

CRP.No.315 of 2021

**DISMISSING THE CIVIL REVISION PETITION
WITHOUT COSTS**

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(513)21
HVK