

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

And

THE HON'BLE SRI JUSTICE S.RAVI KUMAR

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CIVIL MISCELLANEOUS APPEAL No.312 of 2015

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ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This appeal is preferred against the interlocutory order passed by the II Additional Chief Judge, City Civil Court, Hyderabad in I.A.No.413 of 2015 in O.S.No.131 of 2015 dated 20.03.2015 whereby ICICI Bank was injuncted from initiating any action pursuant to their letter dated 12.02.2015 intimating the third respondent herein that they had invoked the pledge of 3,20,00,000 equity shares belonging to respondents 1 and 2 herein (the plaintiffs in the suit).

Sri S.Niranjan Reddy, learned counsel for the appellant, would place reliance on the judgment of the Supreme Court, in **SHIV KUMAR CHADHA v. MUNICIPAL CORPORATION OF DELHI AND OTHERS**, wherein it was held that the Court, while granting an *ex parte* order, must direct that the order shall operate only for a period of two weeks during which a notice, along with a copy of the application, plaint and relevant documents, should be served on the respondents. The case of the appellant herein is that the Court below had passed an *ex parte* order of injunction without fixing any time frame for the said order to remain in force.

Order XXXIX Rule 3-A of the Code of Civil Procedure requires the Court below to decide the application, wherein an *ex parte* order of injunction was passed, within thirty days from the date on which the injunction was granted. Nearly three months have elapsed since an injunction was granted, and nearly two months have elapsed since the counter-affidavit was filed by the appellant herein before the Court below.

While Sri S.Niranjan Reddy, learned counsel appearing on behalf of the appellant, would seek a direction to the Court below to hear and decide the I.A. within two weeks,

Sri Vedula Venkataramana, learned Senior Counsel appearing on behalf of respondents 1 and 2, while fairly stating that the Court below should hear and decide the I.A. with utmost expedition, would request this Court to fix a time frame of a month for the Court below to decide the I.A.

We consider it appropriate, in such circumstances, to direct the Court below to decide and pass orders in I.A.No.413 of 2015 in O.S.No.131 of 2015 at the earliest, and in any event not later than three weeks from the date of receipt of a copy of this order.

The Civil Miscellaneous Appeal is disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

S.RAVI KUMAR, J

10th June, 2015.

Note:

Furnish C.C. of the order

by 12.06.2015.

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