

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

C.R.P.No.917 of 2015

ORDER:

The petitioners herein are aggrieved by the *ad interim* injunction granted on 24-02-2015 pending the civil suit instituted by respondents 1 and 2 herein.

O.S.No.41 of 2015 is filed by respondents 1 and 2 herein seeking partition of the plaint schedule property into six equal shares and to allot two such contiguous shares to the plaintiffs and for separate possession thereof. The petitioners in this Revision are defendants 3 and 4 to the said Suit. The learned counsel for the petitioners would point out that the plaint schedule property is shown as Acs.2-00 of land lying in Sy.No.206, bearing Patta No.440 of Jagapathinagaram Grama Panchayat and Village, Kirlampudi Mandal, East Godavari District. The learned counsel would further point out that the property has been recited in the sale deed to have been purchased by the New Man Mission Association – a Christian Organisation. Therefore, the question of applying the Hindu Law of Partition to such property would not arise. Even otherwise, it is contended by the learned counsel for the petitioners that the property in question has already been mortgaged to the petitioner Bank herein and to realize its dues, the petitioner Bank is proceeding strictly in accordance with and in terms of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Therefore, the civil Court should not have interdicted the petitioner Bank from acting in accordance with law by granting an *ad interim* injunction.

However, I have noticed from the *ad interim* injunction order dated 24-02-2015 that the Interlocutory Application was posted to 17-03-2015. Since the petitioners have not yet approached the civil Court and sought for vacation of the said interlocutory order, I

consider that the ends of justice would be adequately met by directing the learned IV Additional District Judge, Kakinada, East Godavari District, to consider the objections raised by the petitioners herein and deal with the Interlocutory Application as expeditiously as is possible and decide the same preferably before 31st March 2015 or at the earliest thereafter.

It is needless to mention that no part of this order shall be construed as a reflection on the merits or the lack of it of the case of either side and the Court below shall consider the matter entirely on its merits.

With this, the Revision stands disposed of at the admission stage, but however, without costs.

Consequently, the miscellaneous petitions, if any, stand disposed of.

**NOOTY RAMAMOHANA
RAO, J.**

Note:
CC tomorrow.
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mrk
12.03.2015.