

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.M.A.No.774 OF 2015

JUDGMENT:

-

This C.M.A. is filed against the judgment and decree passed in I.A.No.1602 of 2015 in O.S.No.90 of 2015 on the file of XI Additional District Judge, Krishna at Gudivada granting exparte-ad interim injunction in favour of respondents herein.

Learned counsel for the appellants submits that the trial Court granted exparte ad interim injunction without recording any reasons as envisaged under proviso to Order 39 Rule-3 of C.P.C.

A perusal of the impugned order by the Court below goes to show that no reasons recorded and the same is not disputed by Sri K.Durga Prasad, learned counsel for the respondents.

Both counsel states that the matter can be straight away remanded to the Court below.

In view of above facts and circumstances of the case since the Court has not recorded any reasons as envisaged under Order 39 Rule-3 C.P.C., I deem it proper to set aside the impugned order and remand the matter to the Court below for deciding the same afresh in accordance with law. The Court below is directed to decide the matter within two weeks from the date of receipt of copy of the order.

Accordingly, the CMA is allowed. . As a sequel to the disposal of this CMA, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

05-11-2015

Note:

Issue CC in three days.

B/o.

Nvl