

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL MISCELLANEOUS APPEAL No.580 of 2015

JUDGMENT:-

This Civil Miscellaneous Appeal, under Order XLIII rule 1 of C.P.C., by the appellant/defendant No.4, is directed against the order dated 24.06.2015 of the learned Senior Civil Judge, Chodavaram, Visakhapatnam District, passed in I.A.No.356 of 2012 in O.S.No.142 of 2012, filed under Order XXXIX Rules 1 and 2 of C.P.C., seeking temporary injunction restraining the respondents/defendants therein from alienating the suit schedule property.

2. Today when this matter is taken up, the learned counsel for the appellant/defendant No.4 would submit that he was instructed to withdraw the Civil Miscellaneous Appeal by seeking liberty to institute a fresh proceeding, which the law permits.

3. Having regard to the said submission of the learned counsel for the appellant/defendant No.4, permission is accorded to withdraw the appeal.

4. Accordingly, the Civil Miscellaneous Appeal is dismissed as withdrawn giving liberty to the appellant/defendant No.4 to file a fresh proceeding, which the law permits.

Miscellaneous petitions pending, if any, in this appeal shall stand dismissed.

M. Seetharama Murti, J

27th August, 2015
Bvv