

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL MISCELLANEOUS APPEAL No.913 of 2014

22.01.2015

Between:

Sri Kokkanda Amaravani and others

...Appellants

And

Sri A.V. Ratnam and another

...Respondents

Counsel for the appellants: Sri K.Chidambaram

Counsel for respondents: Sri K.V.Bhanu Prasad and
Sri M.Srinivasa Swarup

The Court made the following:

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ORDER:

This civil miscellaneous appeal arises out of the order, dated 16.07.2014, in I.A.No.3382 of 2013 in O.S.No.1319 of 2013 on the file of the learned II Additional District Judge, Ranga Reddy District.

The appellants filed the aforementioned suit for permanent injunction restraining the respondents from interfering with their possession of the suit schedule property. In the said suit, they have also filed I.A.No.3382 of 2013 for temporary injunction. Having granted temporary injunction earlier, the lower Court has, however, vacated the same.

At the hearing, it has come out that the respondents have alienated the property in favour of third parties, who have formed into an association, by name, Sai Vaibhav Plot Owners Association (for short 'the association') and that the association has filed O.S.No.630 of 2014, wherein injunction was granted against the appellants.

Sri M.Srinivasa Swarup, learned counsel representing Sri K.V.Bhanu Prasad, learned counsel for the respondents, submitted that as the respondents have parted with their title and interest in favour of the members of the association, the grievance of the appellants against the respondents is wholly illusory.

Considering the fact that the suit filed by the association is pending and an injunction is operating against the appellants, I am not inclined to interfere with the order questioned in this appeal, more so, when the respondents have already lost interest over the subject matter. The appellants are entitled to contest the suit filed by the association.

It is made clear that the findings rendered in the order in

I.A.No.3382 of 2013 in O.S.No.1319 of 2011, which is under challenge in this C.M.A., shall not influence the Court dealing with the suit filed by the association.

Subject to the above observations, the Civil Miscellaneous Appeal is dismissed.

As a sequel to dismissal of the civil miscellaneous appeal, C.M.A.M.P.No.1484 of 2014 filed by the appellants for interim relief shall stand dismissed.

(C.V.NAGARJUNA REDDY, J)

22nd January, 2015
GHN