

HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A. SHANKAR NARAYANA
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CIVIL MISCELLANEOUS APPEAL No.994 OF
2014

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JUDGMENT: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Civil Miscellaneous Appeal is filed by the appellant, who is plaintiff in O.S. No.194 of 2012, aggrieved of the order and decree, dated 16-06-2014, in I.A. No.732 of 2012 in O.S. No.194 of 2012, passed by the learned XXV Additional Chief Judge, City Civil Court, Hyderabad (for short 'the trial Court').

2. Originally, the appellant herein filed Original Suit No.194 of 2012 before the trial Court against the respondents – defendants seeking partition and separate possession of his share in suit schedule 'A' and 'B' properties. Along with the suit, he filed Interlocutory Application No.732 of 2012 under Order XXXIX, Rules 1 and 2 read with Section 151 of Code of Civil Procedure, 1908, seeking interim injunction restraining the respondents, their men, agents etc., from constructing or changing the nature or alienating either by way of sale, gift, exchange or encumber 'A' and 'B' schedule properties i.e., H.No.4-8-390 (Old No.539), admeasuring 153 square yards, situated at Ram Mandir, Gowliguda,

Hyderabad, and land to an extent of Acs.4-05 guntas in Survey No.502, situated at Shamshabad Village and Mandal, Ranga Reddy District, respectively, pending disposal of the suit.

3. The trial Court, by impugned order, dated 16-06-2014, allowed the petition in part granting temporary injunction in respect of 'A' schedule property while refusing injunction in respect of 'B' schedule property.

4. Aggrieved by the order refusing to grant injunction in respect of 'B' schedule property, the appellant preferred the instant appeal.

5. Today, when the matter is called for hearing, learned counsel for respondent No.2 filed a memo stating that respondent No.2 undertakes that he has no intention to alienate 'B' schedule property for a period of nine (09) months from today. Whereas, the learned counsel for the appellant requests the Court to place the memo on record and dispose of the appeal by directing the trial Court to dispose of the suit itself within a period of nine (09) months.

6. In view of the aforesaid, the memo is placed on record, and we deem it appropriate to dispose of the appeal with the following direction:

The trial Court is directed to dispose of O.S. No.194

of 2012, as expeditiously as possible, preferably within a period of nine (09) months from today. Till then, the undertaking given by respondent No.2 by way of memo, which is placed on record, shall hold good.

7. The appeal is accordingly disposed of. No order as to costs.

8. As a sequel thereto, miscellaneous applications, if any, pending in the appeal, stand disposed of.

**R. SUBHASH
REDDY, J**

A. SHANKAR NARAYANA, J

August 04, 2015.
Mgr