

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

C.M.A.No.584 of 2013

Date : 10-2-2015

Between :

Smt. Addaganti Suseelamma and others
..Appellants

And

Muddalapalle Prabhavathamma and others
..Respondents

Counsel for appellants : Mr. Srinivas Polavarapu

Counsel for respondent No.1 : Mr. Mahadeva Kanthrigala

The Court made the following:

ORDER:

This Civil Miscellaneous Appeal arises out of order dated 15-11-2012 in I.A.No.949 of 2012 in O.S.No.335 of 2012 on the file of the learned Senior Civil Judge, Madanapalle.

Respondent No.1 filed the above mentioned suit for partition and allotment of 1/5th share to her in the suit schedule property. She has also filed I.A.No.949 of 2012 under Order XXXIX Rules 1 and 2 r/w. Section 151 CPC to restrain the appellants and respondent Nos.2 to 4 from entering into transaction over the suit schedule property. By order dated 15-11-2012, the lower Court, while dispensing with the notice, granted ad interim injunction from alienating 1/5th share in the suit schedule property.

In my opinion, it would have been more appropriate for the appellants to have moved the lower Court for vacating the ad interim order instead of rushing to this court by way of the present Civil Miscellaneous Appeal. Therefore, the Civil Miscellaneous Appeal is disposed of without expressing any opinion on the merits of the case with the direction to the lower Court to dispose of the I.A. after hearing both sides

within one month from the date of receipt of this order.

As a sequel to the disposal of the Civil Miscellaneous Appeal, CMAMP No.1314 of 2013 is disposed of as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 10-02-2015
AM