

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

C.M.A.No.789 of 2015

JUDGMENT: (per Hon'ble Sri Justice Ramesh Ranganathan)

With the consent of both Sri B.Mayur Reddy, learned counsel for the appellants, and Sri G.Kalyan Chakravarthy, learned counsel for the 1st respondent, this appeal is being disposed of at this stage.

This appeal is preferred by the plaintiffs in O.S.No.791 of 2015 aggrieved by the action of the learned II Additional Chief Justice, City Civil Court, Hyderabad in issuing urgent notice to the respondents in I.A.No.1700 of 2015 wherein the appellant-plaintiffs had sought for an order of *ad interim* injunction against the 2nd respondent-Bank restraining them from making any payment to the 1st respondent under the petition bank guarantee issued by the 2nd respondent on behalf of the appellant-plaintiffs.

This Court, by order dated 29.10.2015, recorded the submissions made by the learned Advocate General appearing on behalf of the appellants that the validity of the bank guarantee was extended till 25.11.2015 and, on recording its satisfaction that no prejudice would be caused to the respondent-defendants, they were restrained from encashing the bank guarantee for a period of ten (10) days. Thereafter, by order dated 04.11.2015, the interim order granted earlier was extended till 20.11.2015. Today, Sri B.Mayur Reddy, learned counsel for the appellants, submits that the appellants herein have extended the bank guarantee for a further period of one year, and that the bank guarantee would remain in force till 26.11.2016. He has filed a memo to that effect enclosing therewith a copy of the bank guarantee.

As the appeal has been preferred against the proceedings dated 26.10.2015, in I.A.No.1700 of 2015, wherein urgent notice was issued to the respondents, both Sri B.Mayur Reddy, learned counsel for the appellants, and Sri G.Kalyan Chakravarthy, learned counsel for the 1st respondent, would agree that, instead of keeping the appeal pending on the file of this Court, it would suffice if the Court below is directed to dispose of the I.A. within a

specified time frame; and the order of injunction passed by this Court on 29.10.2015 is continued till then.

As Counsel on either side are in agreement, the appeal is disposed of requesting the Court below to decide I.A.No.1700 of 2015 at the earliest and, in any event, not later than three (3) months from today. The order of injunction passed by this Court on 29.10.2015 shall remain in force till I.A.No.1700 of 2015 is disposed of by the Court below.

The Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SEETHARAMA MURTI, J

Date:19.11.2015.

Note: Issue C.C. today

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Date: 19.11.2015

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