

HON'BLE SRI JUSTICE R.SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CIVIL MISCELLANEOUS APPEAL No.1122 of 2012

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

This Civil Miscellaneous Appeal is filed by the appellants/plaintiffs in the suit aggrieved by the order and decree dated 12.10.2012 in I.A.No.674 of 2012 in I.A.No.463 of 2012 in O.S.No.213 of 2012 passed by the Special Sessions Judge for SC & ST (POA) Act, 1989-cum-Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar, allowing the application filed by respondent No.1/defendant No.1 under Order XXXVIII Rule 6 r/w. Section 151 of C.P.C., seeking to modify and withdraw order dated 5.3.2012 passed in I.A.No.463 of 2012 in O.S.No.213 of 2012.

2. Appellants are the plaintiffs and respondents are the defendants in the suit O.S.No.213 of 2012. For the sake of convenience, in this appeal, the parties are referred to as they are arrayed in the suit before the Court below.

3. The plaintiffs filed the aforesaid suit for recovery of a sum of Rs.76,00,000/-. Pending disposal of the suit, they have also filed I.A.No.463 of 2012 seeking attachment before judgment of the petition schedule properties and the same was allowed by order dated 5.3.2012. On an application in I.A.No.674 of 2012 filed by the defendants seeking to modify and withdraw order dated 5.3.2012 passed in I.A.No.463 of 2012, the same was allowed through the impugned order dated 12.10.2012. Hence, the present appeal.

4. When the matter came up for hearing, this Court by order

dated 19.12.2012 in CMA.MP.No.2138 of 2012 granted interim injunction restraining the respondents/defendants from alienating the petition schedule properties and the said order is continued all along.

5. During the pendency of the appeal, the defendants have filed an undertaking/affidavit dated 28.4.2015, stating that they will not alienate the properties equivalent to the extent of claim made by the appellants/plaintiffs in the suit in Sy.Nos.337, 338, 339, 342 and 343 of Durajupalli Village, Chivelam Mandal, Nalgonda District, pending disposal of the suit. Learned counsel for the appellants/plaintiffs also requested to dispose of the appeal in terms of the said undertaking given by the respondents/defendants.

6. In view of the request made by both the parties, recording the undertaking dated 28.4.2015 given by the respondents/defendants as referred above, this Civil Miscellaneous Appeal is disposed of. As a sequel, miscellaneous petitions pending, if any, in this appeal shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A. SHANKAR NARAYANA

08.06.2015.

Msr

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