

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Miscellaneous Appeal No.398 of 2008

JUDGMENT:

This appeal under Order XLIII Rule 1 of the Code of Civil Procedure, 1908 ('the Code', for short) by the unsuccessful 1st respondent/1st defendant is directed against the order dated 08.04.2008 of the learned I Additional Senior Civil Judge, Ranga Reddy passed in IA.No.1323 of 2007 in OS.No.1231 of 2007.

2. The petitioner/plaintiff had filed the suit-O.S.No.1231 of 2007 for a declaration that the registered sale deed, vide document no.7239 of 2006, dated 31.03.2006 executed in favour of the 1st defendant is null and void. In the said suit, the plaintiff had also filed the aforementioned application under Order XXXIX Rules 1 and 2 of the Code for a temporary injunction restraining the defendants from interfering with the plaintiff's peaceful possession and enjoyment of agricultural land admeasuring Ac.0.33 guntas in Sy.No.41/A and Ac.0.33 guntas in Sy.No.41/1 situate at Kurmalguda village more fully described in the schedule annexed to the plaint and petition. The learned I Additional Senior Civil Judge, Ranga Reddy District had allowed the said petition granting interim injunction in favour of the plaintiff, by order dated 08.04.2008. Aggrieved of the said order, the present appeal has been preferred.

3. When the appeal is taken up for hearing, the learned Senior counsel appearing for the appellant would submit that the trial of the suit was completed and that the suit is coming for arguments and is likely to be disposed of within a short time and that this court had suspended the temporary injunction order of the trial Court and that, therefore, this appeal may be disposed of maintaining the interim order.

4. The learned counsel for the 1st respondent/plaintiff does not dispute

that the trial of the suit was concluded and that the suit is ripe for hearing arguments and disposal within a short time.

5. Recording the above said submissions of both the learned counsel, the appeal is disposed of maintaining the order dated 28.05.2008 granted by this court suspending the order dated 08.04.2008 passed by the trial court in I.A.No.1323 of 2007 in O.S.No.1231 of 2007. However, the trial Court is directed to decide the suit and dispose of the same in accordance with the procedure established by law as expeditiously as possible and preferably within one month from the date of receipt of a copy of this judgment. There shall be no order as to costs.

Miscellaneous petitions, pending if any, in this appeal shall also stand dismissed.

M. SEETHARAMA MURTI, J

23rd June, 2015
Vjl