

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL MISCELLANEOUS APPEAL No.1044 of 2014

Date:18.02.2015

Between:

Gummadi Mutyala Devi,
W/o Subbaiah

..... Appellant

And:

Musunuri Naga Venkata Lakshmi,
W/o Suryachandra Rao and three others.

.....Respondents

Counsel for the Appellant: Ms S.Pranathi

Counsel for Respondent Nos.3 & 4: Sri C.V.R.Rudra Prasad

The Court made the following:

JUDGMENT:

This Civil Miscellaneous Appeal arises out of docket order, dated 29.10.2014, in I.A.No.2232 of 2014 in O.S.No.482 of 2014 on the file of learned Principal Senior Civil Judge, Eluru.

By the above-mentioned order, the lower Court has ordered urgent notice to the respondents. Feeling aggrieved by non-grant of an ad-interim order, the appellant has filed this appeal.

This Court by order, dated 04.12.2014, while directing the lower Court to dispose of I.A.No.2232 of 2014 within two weeks from the date of receipt of a copy of that order, restrained the respondents from taking away the produce of Palmolin trees.

Ms S.Pranathi, learned counsel for the appellant, while fairly conceding that an appeal under Order XLIII of the Code of Civil Procedure is not maintainable against issuance of urgent notice, in the absence of any order passed on merits by the lower Court, however submitted that the lower Court has not disposed of I.A.No.2232 of 2014 in spite of the direction issued by this Court.

Inasmuch as no order on merits has been by the lower Court, the Civil Miscellaneous Appeal is not maintainable and hence, I am not inclined to adjudicate the appeal on merits. However, the lower Court is directed to dispose of I.A.No.2232 of 2014, if the same has not been done so far, within two weeks from the date of receipt of a copy of this order.

Subject to the above direction, the Civil Miscellaneous Appeal is dismissed.

As a sequel to dismissal of the appeal, interim order, dated 04.12.2014, in CMAMP.No.1729 of 2014 is vacated and CMAMP.No.1729 of 2014 is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*18th February, 2015
DR*