

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

CMA No.748 of 2015

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JUDGMENT:

This appeal is filed aggrieved by the order dated 13.07.2015 passed in IA.No.803 of 2014 in OS.No.708 of 2014 by the III Additional District Judge, Rangareddy District, wherein the Court below dismissed the IA filed by the Appellants/plaintiffs, seeking temporary injunction.

When the matter came up on 12.10.2015, this Court after hearing both the counsel, passed an elaborate interim order which reads as follows;

“ The only defence of the defendants herein is that the property claimed in the suit is not in existence and that it is not their case that they are in possession of the same but on the other hand, the plaintiffs are claiming possession of the property which the defendants claimed is not in existence. The property consists of only a shed. This Court, while earlier remanding the interlocutory application in IA.No.803 of 2014 to the trial Court for fresh disposal by its orders dated 09.06.2015 in CMA.No.223 of 2015, having regard to the facts peculiar to the case and having noted that the defendants are contending that the property is not in existence and as the plaintiffs are claiming that they are in possession of the plaint schedule property having acquired the same under a registered sale deed had directed a *status quo* order in favour of the plaintiffs for one month and in the meanwhile directed the trial Court to dispose of the IA within the time specified in the said orders. Pursuant to the said orders of this Court, the trial Court by the impugned order had dismissed the application of the plaintiffs. Therefore, the plaintiffs are before this Court.

The self-same contentions are now advanced

before this Court. There is a *Status quo* order in favour of the plaintiffs till the IA was dismissed by the impugned order.

Having regard to the facts peculiar to the case and considering the fact that while the plaintiffs are claiming possession and the defendants are saying that the property is not in existence, this Court is of the considered view that there can be a *Status Quo* order in favour of the plaintiffs as there was such an order till the impugned order was passed.

Accordingly, there shall be an order of *Status quo* as on today in favour of the plaintiffs, until further orders.”

When the matter is listed today, both the counsel reiterated their submissions which shall have to be considered during the final hearing of the suit. Any expression of opinion on the merits of the case will amount to prejudge the issues which has to be decided after trial. Inasmuch as *status-quo* is directed to be maintained by the petitioners, appeal itself can be disposed of by directing the trial Court to expeditiously decide the suit.

Having heard both the counsel in this appeal and in view of above facts and circumstances, this Court is of the view that the appeal can be disposed of directing the Court below to dispose of the suit in OS.No.708 of 2014 on merits since pleadings are completed, within a period of six months from the date of receipt of a copy of this order. Till then, *Status quo* granted by this Court on 12.10.2015 shall continue. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the appeal, shall stand closed.

A.RAJASHEKER REDDY, J

18.12.2015

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