

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

C.M.A.No.884 of 2014

Date : 20-1-2015

Between :

Smt. Munipalle Kameshwari ..

Appellant

And

D. Ramesh Babu and another ..

Respondents

Counsel for appellant : Mr. N. Mukunda Reddy

Counsel for respondent No.1 : Mr. Amrutha Sanjeeva

The Court made the following:

ORDER:

At the Interlocutory stage, the Civil Miscellaneous Appeal is taken up for hearing and disposal with the consent of the learned counsel for both the parties.

Respondent No.1 has filed O.S.No.1069 of 2007 on the file of the learned IV Additional District and Sessions Judge, Ranga Reddy District, against the appellant and her husband, respondent No.2 herein, for specific performance of an agreement of sale. Pending the suit, respondent No.1 has filed I.A.No.184 of 2014 for an injunction restraining the appellant and respondent No.2 from alienating the suit schedule property. The Court below, after hearing both the sides has passed a well reasoned order granting injunction in favour of respondent No.1. Feeling aggrieved by the said order, defendant No.2 filed this Civil Miscellaneous Appeal.

Having considered the facts and circumstances of the case, I am of the opinion that the vacation of the injunction order pending the suit for specific performance of the agreement of sale may render the suit itself fait accompli. Therefore, while declining to interfere with the order of injunction, the lower Court is directed to dispose of the suit which is of the year 2007 within six months from the date of

receipt of this order.

The Civil Miscellaneous Appeal is accordingly dismissed.

As a sequel to the dismissal of the Civil Miscellaneous Appeal, CMAMP No.1430 of 2014 filed for interim relief is disposed of as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 20-1-2015
AM