

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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CIVIL MISCELLANEOUS APPEAL No.922 OF 2015
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JUDGMENT: (Per Hon'ble Sri Justice R. Subhash Reddy)

This appeal is filed by one of the defendants in O.S.No.381 of 2014 pending on the file of VI Additional District Judge, Nellore, aggrieved by the docket order, dated 31.10.2015, passed in I.A.No.365 of 2014 in the said Suit.

Appellant - Bank is claiming Suit Schedule Property as a mortgagee. In the aforesaid Suit filed by the respondent for partition and separate possession, interim injunction was granted and by impugned order, dated 31.10.2015, the same was extended until further orders.

It is not in dispute that I.A.No.365 of 2014 is pending and the interim order continued all along from the date of passing of the same i.e., 17.12.2014. As it is stated that counter affidavit is already filed on behalf of the appellant and further, as it is stated that the matter is posted to 12.02.2016, we deem it appropriate to dispose of the appeal with a direction to the VI Additional District Judge, Nellore, to dispose of I.A.No.365 of 2014 as expeditiously as possible, preferably on 12.02.2016 or on any other date within a period of four weeks thereafter. It is open to the appellant to raise all the pleas which are available

under law.

Subject to the above, the appeal is disposed of.
Miscellaneous Petitions, if any, pending in this appeal,
shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

January 28, 2016

Note: Issue C.C. in one week.
B/o.MD