

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT JUSTICE ANIS**

CIVIL MISCELLANEOUS APPEAL NO.619 OF 2016

J U D G M E N T

(Per Hon'ble Sri Justice Sanjay Kumar)

This appeal under Order 43 Rule 1 CPC arises out of the order dated 05.08.2014 passed by the learned VII Additional District Judge, Ongole, in I.A.No.495 of 2014 in O.S.No.177 of 2014.

It is now represented before this Court that the very same order was subjected to appeal by the 2nd respondent herein in C.M.A.No.790 of 2014 and the said appeal was allowed by a Division Bench of this Court comprising K.C.Bhanu,J and one of us, Anis,J, on 02.12.2014. It is further stated that as against the order in the said appeal, the 1st respondent herein preferred SLP (Civil) No.778 of 2015 which is pending before the Supreme Court.

In that view of the matter, this appeal is also allowed in terms of and for reasons alike as were mentioned in the order dated 02.12.2014 passed in C.M.A.No.790 of 2014. However, this order shall be subject to further orders in the SLP pending on the file of the Supreme Court. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. In the circumstances, there shall be no orders as to costs.

SANJAY KUMAR, J

ANIS, J

9th NOVEMBER, 2016

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