

HONOURABLE SRI JUSTICE S.RAVI KUMAR

C.M.A.No.730 OF 2008

Dated 21-3-2016

Between:

Chinthaginjala Rama Chandraiah.

..Appellant.

And:

Vendikatla Imam Sab Alias Gullabbi and another.

..Respondents.

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HONOURABLE SRI JUSTICE S.RAVI KUMAR

C.M.A.No.730 OF 2008

JUDGMENT:

This appeal is preferred challenging order dated 10-6-2008 in I.A.No.1959 of 2007 in O.S.No.24 of 2007 on the file of Principal District Judge, Kadapa.

Appellant herein filed the above referred suit for declaration and injunction and in that suit filed I.A.No.1959 of 2007 seeking temporary injunction. Trial court originally granted exparte injunction. Defendants appeared and filed counter and on a consideration of material produced by both parties, trial court vacated the exparte interim injunction granted earlier and questioning the same, present appeal is preferred.

This court while admitting the appeal ordered notice to respondents and granted interim temporary injunction on 29-7-2008 and the same is still continuing.

Advocate for appellant submitted that instead of deciding this appeal on interlocutory order, a direction may be given to the court below to dispose of the suit on merits by continuing the interim injunction granted by this court by fixing specified time.

Advocate for respondents opposed the said proposal but on a scrutiny of material, I am of the view that instead of deciding the appeal on interlocutory order

which is passed nearly eight years ago, as the suit itself is ripe for trial, I feel that the court below should be requested to dispose of the suit within stipulated time.

For these reasons, this Civil Miscellaneous Appeal is disposed of directing the court below to dispose of the suit within six months from the date of receipt of copy of this order without being influenced by any of the findings in the earlier order dated 10-6-2008 or any of the observations made in this order by giving opportunity to both parties and till then, the interim injunction granted by this court on 29-7-2008 shall continue.

As a sequel to the disposal of this appeal, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI
KUMAR

Dated 21-3-2016.
Dvs..

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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Dvs