

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.458 of 2015

JUDGMENT:

This appeal is preferred questioning order dated 16.04.2015 in I.A No.1440 of 2014 in O.S.No.69 of 2014 on the file of Additional District Judge, Kovvur.

2. Appellant herein is D.1 in O.S.No.69 of 2014 and respondents No.1 and 2, who are plaintiffs, filed the above suit for declaration of title in respect of 'A' & 'B' schedule properties and for consequential perpetual injunction restraining defendants from interfering with possession and enjoyment over the suit schedule property and also sought for declaration that sale deed dated 06.08.2014 executed by defendants No.2 and 3 in favour of D1 as Sham collusive and void document and not binding on plaintiffs. Appellant herein resisted the claim of plaintiffs and the trial Court on a consideration of documentary evidence produced on behalf of both parties, disbelieved the version of respondents/ defendants granted temporary injunction as prayed. Now aggrieved by the same, present appeal is preferred.

3. The main contention of appellant is that the trial Court failed to appreciate the documentary evidence in a proper perspective, more particularly, with regard to possession of 'B' schedule property within boundaries as described and without looking into *prima facie* case of plaintiffs, granted temporary injunction and the same is liable to be set aside.

4. From the submissions of both sides, it is clear that the contentions raised by both parties require a full fledged trial to

appreciate the claim of both parties over the suit schedule property. Both sides agreed, instead of deciding the matter at interlocutory stage, they are ready to proceed with the trial and requested this Court to fix some time for disposal of this suit and the connected suit, so that rights of both parties can be determined finally.

5. Considering the request of both sides without going into merits and demerits of the case, this C.M.A. is disposed of confirming the interim order granted by the trial Court by directing the trial court to dispose of O.S.No.69 of 2014 and the connected suit transferred from Junior Civil Judge, Jangareddigudem, within a period of six (06) months from the date of receipt of a copy of this order without being influenced by any of the findings that are recorded in the I.A. Both parties shall cooperate with trial Court in adhering to the time schedule fixed by this Court. No costs.

Miscellaneous Petitions, if any pending, in this Appeal, shall stand closed.

S. RAVI KUMAR, J

Date: 09-03-2016.

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