

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

C.M.A.No.105 of 2016

Date:13.10.2016

Between:

Tammali Narayanamma,
W/o Late Narayana

..... Appellant

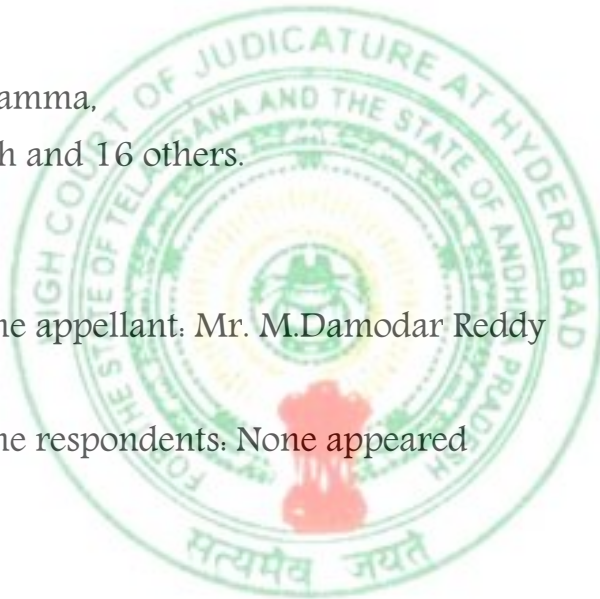
And:

Tammali Yadamma,
W/o Savaraiah and 16 others.

....Respondents

Counsel for the appellant: Mr. M.Damodar Reddy

Counsel for the respondents: None appeared



The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Civil Miscellaneous Appeal is filed against the docket order, dated 11.12.2015, of the learned VII Additional District Judge, Mahabubnagar, whereby he has issued urgent notice to the respondents in I.A.No.764 of 2015 in O.S.No.72 of 2015 filed for interim injunction restraining the respondents from alienating the suit schedule properties pending the said suit filed for partition.

Under Order-XLIII Rule-1(r) of the Code of Civil Procedure, an order passed under Rules-1, 2, 2A, 4 or 10 of Order XXXIX C.P.C. is amenable for the remedy of appeal.

Issue of urgent notice does not fall under any of the afore-mentioned Rules. Therefore, the appeal itself is not maintainable and the Registry has erroneously entertained the same.

For the afore-mentioned reasons, the Civil Miscellaneous Appeal is dismissed.

As a sequel to dismissal of the appeal, CMAMP.No.243 of 2016 filed by the appellant for interim relief is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

13th October 2016

DR