

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

CIVIL MISCELLANEOUS APPEAL No.550 of 2016

24.08.2016

Between:

N.Someswara Rao and others

.. Appellants

And

K.Venkata Rama Rao

..Respondent

Counsel for the appellants: Mr.K.V.Bhanu Prasad

Counsel for the respondent: Mr.Unnam Sravan Kumar
for Mr.Unnam Muralidhar Rao

The Court made the following:



JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

An *ex parte* interim order of injunction restraining the appellants from alienating or creating any charge over the schedule properties in A.O.P.No.449 of 2016 on the file of the learned II Additional District Judge, Ranga Reddy District at L.B.Nagar, Hyderabad, is assailed in this civil miscellaneous appeal.

2. In ordinary course, this Court would have relegated the appellants to the jurisdiction of the lower Court, before which the aforementioned O.P. is pending, as the order assailed in this appeal, as noted above, is in the nature of granting an *ex parte* interim injunction. However, Mr.K.V.Bhanu Prasad, learned counsel for the appellants, has fairly submitted that his clients are agreeable for not alienating three out of eight flats, which are included in the schedule properties of the aforementioned O.P., in order to protect the interests of the respondent, in the event of his success in the litigation in future.

3. Mr.Unnam Sravan Kumar, learned counsel representing Mr.Unnam Muralidhar Rao, learned counsel for the respondent, has submitted that since his client has invested about Rs.70 lakhs, besides claiming Rs.40,000/- towards monthly salary, the appellants may be directed not to alienate four out of eight flats.

4. Having regard to the aforementioned submissions of the learned counsel for the respective parties and the facts of the case, we feel that interests of the respondent would be best served, if three out of eight flats shown as the schedule properties in the aforementioned O.P. are not sold by the appellants.

5. Accordingly, the order under appeal is modified by confining the restraint order only to three out of eight flats. It is made clear that the appellants are entitled to continue with their business unhindered, except to the extent of being restrained from alienating any three out of eight flats till the disputes between the parties are settled through arbitration. The Civil Miscellaneous Appeal is allowed to the extent indicated above.

6. As a sequel to allowing the appeal, C.M.A.M.P.No.1104 of 2016 filed by the appellants for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

24th August, 2016
GHN

