

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.516 of 2012

JUDGMENT:

This appeal is preferred questioning order dated 03.04.2012 passed in I.A.No.800 of 2011 in O.S.No.77 of 2011 on the file of Special Judge for trial of offences under SCs & STs (POA) Act, 1989 – cum – V Additional District & Sessions Judge, Medak at Sangareddy.

2. Appellant herein is plaintiff in the above referred suit and that the suit is filed for partition of plaint schedule properties and for consequential injunction. Plaintiff filed the above referred I.A. seeking temporary injunction restraining respondents from alienating the plaint schedule properties to third parties pending disposal of the suit. That application was dismissed on considering the contentions and rival contentions of both the parties.

3. The only grievance of appellant is that the Court below, while dismissing the interlocutory application, recorded a finding that plaintiff is not entitled to seek for partition and that the trial Court cannot decide that relief in an injunction petition.

4. Advocate for appellant submitted that this appeal may be disposed of directing the Court below to dispose of the suit without being influenced by the finding with regard to relief of partition recorded in the interlocutory application. Advocate for respondents submitted that the suit itself is coming up for arguments.

5. Considering the submissions of both sides, this appeal is disposed of directing the Court below to decide the main suit, i.e., O.S.No.77 of 2011 without being influenced by the finding with regard to relief of partition recorded in the interlocutory application.

Miscellaneous petitions, if any, pending in this appeal shall stand dismissed.

S. RAVI KUMAR, J

25th July, 2016
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