

HON'BLE SRI JUSTICE S. RAVI KUMAR

C.M.A.No.630 of 2009

JUDGMENT:

This appeal is preferred against order dated 17.04.2009 in I.A.No.742 of 2007 in O.S.No.522 of 2007 on the file of II Additional Senior Civil Judge, Warangal.

2. Appellants herein are defendants in I.A.No.742 of 2007 and Court below while granting injunction restrained respondents from alienating the suit schedule property and also restrained the alleged proposed purchasers by name Gattu Sadanandam, Gattu Sadhya Rani and Pabba Upender and aggrieved by that particular portion of the order, defendants preferred the present appeal.

3. Heard both sides.

4. Advocate for appellants submitted that appellants herein have already alienated this property even before passing the impugned order and plaintiffs themselves filed application to implead purchasers as proposed parties to the suit and that application is still pending.

5. Advocate for plaintiffs submitted that as the suit is of the year 2007 and as he has no instructions about what happened in between 2007 and this date, requested the Court to dispose of this appeal by directing the Court below to expedite the trial of the suit and dispose of the

same without being influenced by any of the observations made in the interim application.

6. I have perused the material papers including the impugned order dated 17.04.2009 in IA No.742 of 2007. Suit is filed for declaration of title and delivery of possession and it appears the suit was dismissed for default and again restored vide I.A. No.932 of 2015 dated 29.02.2016 and as the property was already alienated long prior to passing of impugned order and plaintiffs have already filed the applications to implead the purchasers of proposed parties, I am of the view that nothing survives in this appeal for adjudication.

7. Considering the submissions of both parties without going into merits and demerits of the case, trial court is directed to dispose of the suit, as expeditiously, as possible, without being influenced by any of the findings recorded earlier in the impugned order dated 17.04.2009 in I.A No.742 of 2007 in O.S.No.522 of 2007.

8. Accordingly, this Civil Miscellaneous Appeal is disposed of. No costs. Miscellaneous Petitions, pending in this Appeal, if any, shall stand closed.

S. RAVI KUMAR, J

Date: 01-07-2016.

gvl

