

HON'BLE SRI JUSTICE S.RAVI KUMAR

C.M.A.No.491 of 2009

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Judgment:

This appeal is filed against the order dated 30-4-2008 in I.A.No.2314 of 2007 in O.S.No.837 of 2007 on the file of III Senior Civil Judge, City Civil Court, Secunderabad. The suit in O.S.No.837 of 2007 was filed for permanent injunction and in that suit, I.A.No.2314 of 2007 was filed seeking temporary injunction and trial Court after considering the documents produced on behalf of both parties, granted temporary injunction in favour of plaintiff in respect of Item No.3 of suit schedule property with a rider that petitioner-plaintiff shall not cause any obstruction to the respondents to have access to the water connection and also should not cause any interruption to the electricity supply to the portion in the occupation of the respondents. Questioning the same, 1st respondent i.e.

1st defendant preferred the present appeal with a delay condonation petition.

2. As per the office note, the main suit O.S.No.837 of 2007 was disposed of on 13-11-2009. Advocate for 1st respondent-plaintiff submitted that in view of disposal of the suit, nothing survives in the appeal and the appeal has become infructuous. In spite of posting this matter under the caption of "Specially Identified Cases", neither Advocate for appellant is present nor any representation is made on behalf of appellant. Considering these aspects, the appeal is dismissed for non prosecution. As a sequel, miscellaneous petitions, if any, pending in this appeal shall stand closed. No costs.

S.RAVI KUMAR, J.

14th June, 2016.
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