

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

CIVIL MISCELLANEOUS APPEAL No.731 of 2016

Date: 26.09.2016

Between:

Punyamanthula Rambabu

.. Appellant

And

Punupothula Naga Sulochana

.. Respondent

Counsel for the appellant: Mr. B.V.Rama Rao

Counsel for respondent: Mr. Chandra Sekhar Ilapakurti

The Court made the following:

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

At the interlocutory stage, this Civil Miscellaneous Appeal is taken up for hearing and disposal.

We have heard Mr. B.V.Rama Rao, learned counsel for the appellant and Mr. Chandra Sekhar Ilapakurti, learned counsel for the respondent.

The appellant has filed O.S.No.8 of 2016 on the file of the learned XII Additional District Judge, Pithapuram for specific performance of an agreement of sale. He has also filed I.A.No.207 of 2016 in the said suit for temporary injunction restraining the respondent from alienating the suit schedule property pending the suit. After considering the respective pleadings of the parties and hearing the learned counsel representing them, the lower Court has dismissed the said I.A. Feeling aggrieved by the said order, the unsuccessful plaintiff has filed this Civil Miscellaneous Appeal.

After hearing both sides, we are of the opinion that the lower Court has recorded sound reasons for dismissing the application. In any event, Section-52 of the Transfer of Property Act, 1882 will protect the interests of the appellant even if the respondent transfers the property in favour of

third party. In such event, the third party will be bound by the result of the suit.

In this view of the matter, we are not inclined to interfere with the order of the lower Court and the Civil Miscellaneous Appeal is dismissed with the observation that the alienations of the suit schedule properties, if any, made by the respondent during the pendency of the suit shall be subject to its result and the purchaser(s) shall be bound by the result of the suit.

As a sequel to dismissal of the appeal, CMAMP.No.1487 of 2016 filed by the appellant for interim relief is dismissed as infructuous.



(C.V.NAGARJUNA REDDY, J)

(G. SHYAM PRASAD, J)

26th September, 2016

DR