

*THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE SMT. JUSTICE ANI S*

CIVIL MISCELLANEOUS APPEAL No.572 of 2015

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

The plaintiff in O.S.No.59 of 2014 on the file of the learned I Additional Chief Judge, City Civil Court, Hyderabad, filed I.A.No.983 of 2014 therein under Order XXXIX Rules 1 and 2 read with Section 151 C.P.C. seeking a temporary injunction restraining the second defendant in the suit from alienating the petition schedule property pending disposal of the suit. By order dated 19.01.2015, the trial Court dismissed the said I.A. Aggrieved thereby, the present appeal was preferred under Order XLIII Rule 1 C.P.C.

Heard Sri N. Amarnath, learned counsel for the appellant/plaintiff, and Sri Venkatesh Deshpande, learned counsel for the second respondent/second defendant.

Perusal of the order under appeal reflects that the trial Court took note of the fact that even if any alienation was made by the second defendant in the suit pending the litigation, the same would not be binding upon the plaintiff and the doctrine of *lis pendens* would safeguard his rights, if any. The trial Court further observed that to avoid multiplicity of proceedings and the necessity of filing another suit, the plaintiff could implead the purchasers *pendente lite*, if any, in the present suit itself.

In the light of the aforesaid observations made by the trial Court, we are of the opinion that no lapse was committed by the trial Court warranting interference in appeal.

The civil miscellaneous appeal is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.  
No order as to costs.

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SANJAY KUMAR, J

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ANI S, J

Date:17.10.2016  
GJ