

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

CMA.Nos.483 and 625 of 2016

Date:07.9.2016

Between:

Pudi Shankara Rao,
S/o Late Pudi Atchutha Rao

..... APPELLANT

And:

Pudi Mohan Rao,
S/o Late Pudi Atchutaha Rao
and four others.

.....RESPONDENTS

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

Counsel for respondent No.3: Mr. Kuriti Bhaskar Rao

Counsel for respondent No.5: Mr. G.Rama Gopal

The Court made the following:

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

These two Civil Miscellaneous Appeals are filed against orders, dated 04.12.2015 in I.A.Nos.468 and 469 of 2015, respectively, in O.S.No.526 of 2015 on the file of the learned I Additional District Judge, Visakhapatnam.

We have heard learned counsel for both parties and perused the record.

The suit filed by the appellant for partition is pending before the lower Court. The respondents have denied the relationship between themselves and the appellant. Having appreciated the documentary evidence, the lower Court has declined to grant orders of injunction as claimed by the appellant.

Having carefully considered the reasons assigned by the lower Court in the impugned orders, we are of the opinion that the appellant failed to satisfy the elements of *prima facie* case, balance of convenience and irreparable injury in his favour. Hence, we do not find any merit in these Civil Miscellaneous Appeals.

The Civil Miscellaneous Appeals are, accordingly, dismissed. However, we make it clear that the constructions, if any, made and the alienations that may be made during the pendency of the suit shall be subject to the result thereof and the

respondents shall not claim any equity in the event of the appellant succeeding in the suit. The lower Court is directed to make an endeavour to dispose of O.S.No.526 of 2015 as expeditiously as possible, and, not later than one year from the date of receipt of a copy of this order.

As a sequel to dismissal of the Civil Miscellaneous Appeals, CMAMP.Nos.935 and 1286 of 2016 filed by the appellant for interim relief are dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

07th September 2016
DR

