

**HON'BLE SRI JUSTICE M.SATYANARAYANA
MURTHY**

SECOND APPEAL No.523 of 2001

JUDGMENT:

Sri G. Sathyaveer Reddy on behalf of Sri Pottigari Sridhar Reddy, learned counsel for the appellant, sought permission to withdraw the appeal subject to deleting the adverse points.

O.S.No.572 of 1989 on the file of XIV Assistant Judge-cum-II Additional Rent Controller, City Civil Court at Hyderabad, was filed only for injunction simplicitor, but the 1st appellate court went into title and recorded a finding regarding title in respect the land admeasuring 0.19 cents. However, the appellants herein filed a separate comprehensive suit in O.S.No.329 of 2005 on the file of the II Additional Chief Judge, City Civil Court at Hyderabad, for declaration of title and permanent injunction, which is pending for disposal. In these circumstances, it is made clear that the said findings recorded by the 1st appellate court and in this appeal will have no bearing on the issue in O.S.No.329 of 2005 on the file of Court of the II Additional Chief Judge, City Civil Court at Hyderabad, and the II Additional Chief Judge is directed to dispose of O.S.No.329 of 2005 uninfluenced

by the findings whatever recorded by the 1st appellate court and in this appeal.

Permission is accorded and the appeal is dismissed as withdrawn with the above direction, but without costs.

Miscellaneous petitions, if any pending in this appeal, shall stand closed.

M.SATYANARAYANA MURTHY,J

18-08-2016

v v