

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

CIVIL MISCELLANEOUS APPEAL No.264 of 2016

24.08.2016

Between:

K.Kareem Baksh and others

.. Appellants

And

Kottamaddi Srinivasulu and others

.. Respondents

Counsel for the appellants: Mr.V.Mallik for Mr.S.A.K.Mynoddin

Counsel for the respondents: Mr.S.S.Bhatt

The Court made the following:



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

At the interlocutory stage, the appeal itself is taken up for hearing and disposal with the consent of the learned counsel for both the parties.

2. The order, dated 21.10.2015, in I.A.No.29 of 2014 in O.S.No.1 of 2014 on the file of the learned Principal District Judge, Kadapa, whereby he has vacated the *ad interim* injunction granted in favour of the appellants is the subject matter of this appeal.

3. At the hearing, Mr.V.Mallik, learned counsel representing Mr.S.A.K.Mynoddin, learned counsel for the appellants, has submitted that the lower Court has committed a serious error in rendering findings on the title over the suit schedule property, which are likely to affect the interests of the appellants in the suit.

4. Mr.S.S.Bhatt, learned counsel for the respondents, has submitted that the suit is coming up for trial and it is posted to 29.08.2016 for cross examination of P.W.1.

5. For the purpose of considering grant of *ad interim* injunctions, the Court has to necessarily consider the elements of *prima facie* case, balance of convenience and irreparable injury and it is implied that the findings so rendered in the context of passing an interlocutory order are confined to the interlocutory application only and none of the findings rendered in such applications will have any bearing on the main suit.

6. Having regard to the fact that the trial in the suit has commenced, we feel it wholly unnecessary to decide the appeal on merits. Instead the lower Court is directed to dispose of the suit expeditiously.

7. Subject to the above direction, the Civil Miscellaneous Appeal is dismissed.

8. As a sequel to dismissal of the appeal, C.M.A.M.P.No.510 of 2016 filed by the appellants for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

24th August, 2016
GHN

