

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

CIVIL MISCELLANEOUS APPEAL No.395 of 2016

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

This miscellaneous appeal arises out of the order dated 29.04.2016 passed by the learned I Additional District Judge, Karimnagar, in I.A.No.634 of 2014 in O.S.No.173 of 2014. The said I.A. was filed under Order XXXIX Rules 1 and 2 read with Section 151 C.P.C. for a temporary injunction restraining the defendants in the suit or any person claiming through them from alienating the suit schedule properties. By the order under appeal, the trial Court dismissed the I.A.

Though an injunction was granted by this Court on 19.05.2016 in the present appeal restraining the parties from alienating the suit schedule properties, it was only for four weeks and was not extended thereafter. The interim order is therefore not operative as on date.

Perusal of the order under appeal reflects that the appellant/plaintiff had not *prima facie* established that the suit schedule properties were joint family properties and that they were in joint possession of the parties. As the issues in the suit are yet to be gone into by the trial Court, we are of the opinion that no adjudication is warranted by this Court at the present stage as it would have an impact upon the final adjudication of the issues by the trial Court.

The civil miscellaneous appeal is accordingly disposed of by making it clear that any alienations made pending the suit would be subject to the final result in the suit. All issues are left open and the trial Court shall adjudicate the suit on merits and in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

Date:13.07.2016

GJ