

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.892 of 2010

JUDGMENT:

This appeal is preferred against order dated 08.10.2010 in I.A.No.816 of 2009 in O.S.No.803 of 2007 on the file of V-Additional Senior Civil Judge (Fast Track Court), Vijayawada.

2. Appellant herein is plaintiff No.2 in the above referred suit. Plaintiffs filed O.S.No.803 of 2007 for specific performance of agreement of sale dated 24.02.2005 seeking direction to defendants to execute and register a regular sale deed in favour of plaintiffs and in that suit plaintiffs filed I.A.No.816 of 2009 to grant interim injunction till disposal of the main suit. Trial Court dismissed injunction application on contest and aggrieved by same, plaintiff No.2 preferred the present appeal.

3. This Court on a consideration of material on record and the fact that an amount of Rs.4,00,000/- was paid and property was delivered to petitioner as per the endorsement dated 25.01.2006 on the agreement of sale, granted temporary injunction restraining defendants from interfering with the possession and enjoyment of the property initially for a period of eight weeks and thereafter it was extended from time to time and finally on 25.04.2011 the said order was extended until further orders.

4. Though the injunction was granted and extended until further orders, defendants have not filed any application to vacate that order and the appeal is pending since then. Now as seen from the office note, the suit is still pending and it is at the stage of recording evidence. Advocate for appellant submitted that instead of deciding the appeal on merits by directing the trial Court to expedite the trial keeping the injunction granted by this Court in force, the appeal can be disposed of.

5. Considering the material on record and the submissions made on behalf of appellant, appeal is disposed of directing the trial Court to decide O.S.No.803 of 2007 as expeditiously as possible and till disposal of the suit interim injunction granted by this Court on 30.11.2010, which was extended until further orders on 25.04.2011, shall be in force.

6. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

10th August 2016.

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