

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE SMT JUSTICE ANIS**

CIVIL MISCELLANEOUS APPEAL No.571 of 2015

JUDGMENT: (per SK, J)

This Civil Miscellaneous Appeal under Order XLIII Rule 1 CPC arises out of the order dated 02.05.2015 passed by the learned III Additional District Judge, Tirupati, in I.A.No.185 of 2012 in O.S.No.46 of 2012.

The said I.A. was filed by the plaintiff in the suit, the appellant herein, seeking an interim injunction restraining the defendants from alienating the suit schedule property or changing its physical features in any manner till the disposal of the suit. By the order under appeal, the trial Court dismissed the I.A.

No interim orders were granted by this Court pending the appeal, which was filed in July, 2015.

It is now stated before us by Sri T. Sanjay Rao, learned counsel for respondents 1 and 2/defendants 1 and 2, that the trial has already commenced in the suit and therefore the question of granting a temporary injunction pending the suit at this late stage will not arise.

Sri B. Vijaysen Reddy, learned counsel for the appellant, states that in the light of the fact that the trial has already commenced, the trial Court may be directed to dispose of the suit soon.

In that view of the matter, as the trial Court has already taken up the subject suit for trial, we are of the opinion that the interest of justice would be sufficiently served by requesting the trial Court to dispose of the suit expeditiously.

The Civil Miscellaneous Appeal is accordingly dismissed subject to the above observation.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

5th DECEMBER, 2016.

SANJAY KUMAR, J

ANIS, J

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