

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.M.A.NO.698 OF 2015

JUDGMENT:

This appeal is filed by the appellants against the order, dt.13.04.2015 passed in I.A.No.1371 of 2013 in O.S.No.249 of 2010 on the file of XXIV Additional District Judge, City Civil Court, Hyderabad, seeking to set aside the same.

The learned counsel appearing for the appellants as well as the learned counsel for the first respondent states that the court below passed the impugned order on similar lines with that of I.A.No.2539 of 2010 on 13.04.2015. It is also stated that against the order passed in I.A.No.2539 of 2010 the first respondent filed C.M.A.No.530 of 2015 before this court and this Court by order, dt.09.11.2015 remitted back the matter to the trial court while granting injunction pending disposal of IA.

Heard the learned counsel for the appellants and the learned counsel for the first respondent.

In view of above facts and circumstances and in view of the contentions raised by both the learned counsel and for the reasons assigned by this Court in CMA No. 530 of 2015, the impugned order, dt.13.04.2015 passed I.A.No.1371 of 2013 in O.S.No.249 of 2010 is set aside and the matter is remitted back

to XXIV Additional District Judge, City Civil Court, Hyderabad for deciding the issue on merits. However, it is open for both the parties to raise their contentions before the court below and the court below shall decide the matter in accordance with law on merits. It is made clear that since there is no injunction operating in the present case as on today, the question of granting injunction pending disposal of IA in favour of the appellants does not arise.

The appeal is accordingly allowed and remanded. Miscellaneous petitions, pending if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.07.01.2016
TJS

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.M.A.NO.698 OF 2015

-

-

-

-

-

-

-

-

-

-

-

-

DT.07.01.2016

TJS

-

