

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

C.M.A.No.364 of 2015

JUDGMENT: *(Per Hon'ble Sri Justice U.Durga Prasad Rao)*

Aggrieved by the order dated 03.02.2015 in I.A.No.499 of 2014 in O.S.No.99 of 2014 passed by XV Additional District Judge, Nuzvid granting temporary injunction in favour of petitioners/plaintiffs in respect of plaint schedule property of Ac.7.05 cts. in R.S.No.327/1 and Ac.17.30 cts. in R.S.No.327/2 (total Ac.24.35 cts.) respondents 1, 29 and 30/defendants 1, 29 and 30 preferred the instant CMA.

The parties in this appeal are referred as they stood in the suit.

2) The respondents 1 to 5 herein are the plaintiffs in O.S.No.99 of 2014. They filed the suit on their behalf and on behalf of 28th defendant for declaration of their title and for permanent injunction in respect of plaint schedule property.

a) Their case in brief is that plaintiffs 1 and 3 are sons of Gera Yesamma; 2nd plaintiff is the wife of 1st plaintiff; defendant No.28 is the daughter; plaintiffs 4 and 5 are children of 3rd plaintiff. Defendants are concerned, one Tammina Ramulu had three sons viz. Hanumanth Rao, Rama Rao and Parasu Ramaiah; defendant No.2 is the wife of Parasu Ramaiah; defendants 2 to 27 are the family members of three sons of Tammina Ramulu.

b) The further case of the plaintiffs is that the maternal grand father of plaintiffs 1 and 3 viz. Talamala Mariyanna and 25 others obtained Zirayithi Patta from the Zamindarini of Gannavaram Estate for Ac.208.00 cts. in Advinekkalam village in 1938 which was a joint patta; in 1942 the Zamindarini granted separate pattas to all the 26 pattadars; Talamala Mariyanna purchased land from the remaining pattadars and became owner of about 84 acres out of 208 acres of Zirayithi patta land; T.Ramulu—the father-in-law of defendant No.2, also purchased 20 acres of land towards North of 84 acres of Talamala Mariyanna.

c) The further case of the plaintiffs is that T.Ramulu occupied Ac.5.50 cts. of land belonging to Talamala Mariyanna and so he filed O.S.No.372 of 1950 before District Munsif Court, Nuzvid for recovery of possession of said land. Pending suit, T.Ramulu encroached some more extent of land and so, Talamala Mariyanna filed another suit—O.S.No.134 of 1954 before I Additional Senior Civil Judge, Vijayawada for partition of entire 208 acres and for allotment of 84 acres to him; O.S.No.372 of 1950 was transferred to I Additional Senior Civil Judge, Vijayawada and re-numbered as O.S.No.208 of 1954 and both the suits were clubbed and joint trial was held and partition decree was passed on 15.12.1961. Aggrieved, T.Ramulu preferred A.S.No.92 of 1962 and A.S.No.121 of 1962 before Additional District Judge, Machilipatnam and both the appeals were dismissed; T.Ramulu preferred S.A.No.380 of 1970 and S.A.No.774 of

1970 before High Court and they were dismissed; pending suits, Mariyanna and his wife died and so the mother of the plaintiffs— G.Yesamma was brought on record as 3rd plaintiff; she filed I.A.No.233 of 1974 and final decree was passed on 09.07.1979; as per which she was allotted Ac.89.88 cts. out of Ac.208.00 cts.; whereas T.Ramulu was given Ac.21.40 cts. towards his share. G.Yesamma filed E.P.No.56 of 1981 and she was delivered her share of lands after evicting T.Ramulu's sons on 15.05.1981; ever since the plaintiffs have been in peaceful possession and enjoyment of their land; out of 89.88 cts. Yesamma sold Ac.63.50 cts. and still she was left with Ac.26.38 cts. covered by R.S.Nos.327/1 to 4 of Addavinekkalam village.

d) The further case of the plaintiffs is that Yesamma arranged barbed wire fencing and got dug a trench on the Northern side and sunk a bore-well in R.S.No.327/1 in 1995 and fixed a submersible motor. The plaintiffs obtained electrical connection and they removed mango trees in about Ac.15.00 cts. and started raising tobacco and groundnut.

e) Their further case is that during pendency of the suits, the estate of Nuzvid was abolished and during survey and settlement operations held in 1958, an extent of Ac.24.35 cts. in R.S.Nos.327/1 and 327/2 which is a part of Ac.89.88 cts. which fell to the share of Yesamma, was wrongly mutated in the name of T.Ramulu. Therefore, Yesamma filed application in SR No.56 (1) (c) of 1996 before the Settlement Officer, Machilipatnam for declaration that she was the lawful Ryot and the same was dismissed. She filed TAS No.5/2004 before the

Estates Abolition Tribunal, Krishna and the same was allowed and matter was remanded to Settlement Officer for fresh enquiry and the same is pending. Similarly, another Ac.5.02 cts. in R.S.Nos.327/3 and 4 was classified as Assessed Waste Dry. Hence, Yesamma filed an application before Settlement Officer, Machilipatnam to correct the classification of the land and the same was dismissed. The Revision filed by her before Director of Settlement, Hyderabad was also dismissed. However, her possession was not disturbed by the Government. After Yesamma took possession by Court delivery on 15.05.1981, the 3 sons of T.Ramulu viz. Parasu Ramaiah, Hanumanth Rao and Rama Rao and one Garre Satyanarayana in order to wriggle out of the suits—O.S.No.208 of 1954 and O.S.No.134 of 1954, filed O.S.No.119 of 1981 against her before Sub-Court Gudivada for declaration that the judgment in O.S.No.134 of 1954 was illegal and for an injunction in respect of Ac.24.03 cts. in R.S.Nos.327/1 and 2. The said suit was transferred to I Addl. Sub Judge, Vijayawada and renumbered as O.S.No.80 of 1983 and after trial suit was dismissed on 02.06.1986 holding that the decree in O.S.No.134 of 1954 is binding on T.Ramulu and his LRs. The plaintiffs filed A.S.No.1888 of 1986 before High Court which was dismissed on 25.11.2002. Yesamma died on 10.07.2009 and during her lifetime she executed a Will dated 06.11.2008 bequeathing plaint schedule properties to plaintiffs. Defendants 2 to 27 in collusion with defendants 29 and 30 brought some nominal documents in favour of defendants 1, 29 and 30 and trying to meddle with the plaint schedule properties.

Hence the suit for declaration and injunction.

3) First defendant filed counter. While denying the petition averments, contended that T.Ramulu the ancestor of defendants 2 to 27, purchased plaint schedule property from Vadlamudi Raghavulu and his sons and Kakani Venkata Subbaiah under two registered sale deeds dated 29.04.1949 and 30.07.1952. Though the extents mentioned in the sale deeds were 16 and 4 acres respectively but the entire extent of Ac.24.35 cts. i.e. plaint schedule property was delivered by the vendors to him as there was some estate Poramboke land situated on the East and West of the said land and the same was delivered.

a) After purchase T.Ramulu cleared bushes and reclaimed it and raised mango garden during his life time. The plaint schedule land situated in Adavinekkalam village was part of erstwhile Gannavaram Estate and subsequently the Estate was abolished and notified and survey and settlement operations were conducted. During re-survey plaint schedule property was assigned R.S.No.327/1 measuring Ac.7.05cts. and R.S.No.327/2 measuring Ac.7.30 cts. and thus Ramulu and after his death his sons have been in peaceful possession of the suit land.

b) Defendants 2 to 27 sold away plaint schedule property in favour of defendants 1, 29 and 30 under three registered sale deeds dated 18.09.2014 and corresponding rectification deeds dated 30.09.2014. Ever since purchase defendants 1, 29 and 30 have been in peaceful

possession and enjoyment of the suit schedule property with absolute title.

c) The further case of the defendants is that the parents of G.Yesamma filed O.S.No.134 of 1954 before Subordinate Judge, Vijayawada against T.Ramulu and others for partition and after the death of her father, G.Yesamma was impleaded as 3rd plaintiff. Pending suit T.Ramulu also died and hence his three sons were impleaded as defendants. A preliminary decree was passed and later the matter was transferred on the point of jurisdiction to Subordinate Judge, Gudiwada. In final decree proceedings advocate commissioner was appointed for effecting division of the land. The final decree was passed on 09.07.1979. The commissioner prepared a plan showing boundaries as existed previously and the boundaries fixed by him with the assistance of Taluk Surveyor in the plan prepared by him. The said plan shows the possession of the parties and the possession they are entitled to under the final decree. The location of the land of late T.Ramulu i.e. plaint schedule property remained as it is with slight variations. The land was measured by commissioner from North to South without taking into consideration the additional land on East to West. He allotted Ac.21.45 cts. showing as plot Nos.9 and 10 in the said plan. In the final decree the vendor of late T.Ramulu viz. Kakani Venkata Subbaiah was allotted plot No.10 which means late T.Ramulu was entitled to plot Nos.9 and 10 of the commissioner's plan to an extent of Ac.21.45 cts. The said land along with some other land comes

to Ac.24.35 cts. Defendants 1, 29 and 30 purchased the plaint schedule property from the sons of T.Ramulu. Thus, the record placed by the plaintiffs would clearly disclose that the ancestors of defendants 2 to 27 were the absolute owners of plaint schedule property. It is not the case of the plaintiffs that T.Ramulu and his successors were in possession of a different property other than the plaint schedule property.

d) The further case of the defendants is that the sons of T.Ramulu excavated three bore-wells in the plaint schedule property in the month of November, 2004 after removing mango trees in an extent of 15 acres. They started raising commercial crops like Tobacco, Maize, Groundnut by drawing water through the generator from the above said bore-wells.

e) Taking advantage that the defendants 1, 29 and 30 were residing at Vijayawada the plaintiffs tried to meddle with the suit property. Hence, they filed suit O.S.No.263 of 2002 on the file of Junior Civil Judge, Nuzvid and the same is pending. Thus, the defendants denied the other allegations made in the petition and prayed for dismissal of injunction petition.

f) During enquiry Exs.P1 to P23 were marked on behalf of plaintiffs and Exs.R1 to R22 were marked on behalf of defendants.

4) The impugned order would show the trial Court having perused Ex.P2—preliminary decree in O.S.No.134 of 1954 observed that in the suit filed for partition T.Ramulu was 10th defendant and therefore, the

decree and judgment in that suit is binding on his successors i.e. defendants 2 to 27. Then, the trial Court having perused Ex.P3—final decree proceedings and Ex.P4—delivery receipt in O.S.No.134 of 1954 observed that in the partition plot No.11 in an extent of Ac.89.88 cts. was allotted to G.Yesamma; plot No.9 in an extent of Ac.4.28 was allotted to Kakani Venkata Subbaiah and aforesaid plots were delivered to the respective parties. The trial Court having perused Exs.P11 and P12 observed that First Appeals and Second Appeals filed by T.Ramulu and others against the decree in O.S.No.134 of 1954 were dismissed confirming the decree passed in O.S.No.134 of 1954. Then the trial Court having perused Ex.P7—certified copy of judgment in O.S.No.80 of 1983 on the file of Sub-Court, Vijayawada observed that T.Ramulu and his sons having not stopped with their defeat in appeals against the judgment in O.S.No.134 of 1954, filed suit O.S.No.119 of 1981 before Sub-Court, Gudiwada for declaration that the judgment and decree in O.S.No.134 of 1954 was illegal and the said suit was transferred to Sub-Court, Vijayawada and numbered as O.S.No.80 of 1983 and after trial it was dismissed on 02.06.1986. Thus, the trial Court having considered the result of the series of suits in respect of same parties and in respect of same properties, observed that the schedule property was delivered to G.Yesamma from whom the plaintiffs were claiming under Will and thus the plaintiffs have *prima-facie* case in their favour. In the process, the trial Court did not give importance to the various Adangal extracts and report of the Tahsildar filed by the defendants to show their possession. Considering the fact

that defendants 2 to 27 executed sale deeds in favour of defendants 1, 29 and 30 and all the defendants were trying to meddle with the plaint schedule properties the trial Court observed that the threat of dispossession was imminent and granted interim injunction.

Hence, the CMA by defendants 1, 29 and 30.

5) Heard arguments of Sri Vedula Venkata Ramana, learned senior counsel appearing for Sri G.Vivekananda, learned counsel for appellants and Sri P.Rajasekhar, learned counsel for respondents.

6) Severely impugning the injunction order, learned senior counsel Sri Vedula Venkata Ramana would argue that the cardinal principle for granting interim injunction is the Court's convincing that the plaintiffs have *prima facie* case and balance of convenience is in their favour and if, injunction is not granted, they would suffer irreparable loss which cannot be compensated by monetary measures. In the instant case, he would point out, the trial Court miserably failed to record its satisfaction that the plaintiffs were in lawful and effective possession of the plaint schedule properties by the date of suit and their possession and enjoyment were under threat by the defendants. Citing the exhibits marked on behalf of plaintiffs, he argued that Exs.P3 and P4 may at best show that in a final decree proceedings in O.S.No.134 of 1954 some landed property was delivered to G.Yesamma, the mother of plaintiffs 1 and 3 but these documents or other exhibits produced by the plaintiffs would not clinch that the suit schedule property is part of Ac.89.88 cts. claimed by her under Exs.P4 and that G.Yesamma and

her successors have been in continuous possession of the suit property by the date of suit. Since the plaintiffs are claiming suit schedule properties by virtue of Ex.P18—Will said to be executed by G.Yesamma in their favour, it is their primordial duty to co-relate the present suit property with the property covered by Exs.P3 and P4 on one hand and Ex.P18 on the other so as to lay any claim on suit lands. Neither the plaintiffs made any effort to establish the identity of the suit lands with reference to the documents filed by them nor the trial Court probed in that regard. Thus, he vehemently argued, the plaintiffs woefully failed to convince the existence of *prima facie* case in their favour. Per contra, defendants by placing on record their sale deeds, cultivating Adangals, third party affidavits and Panchanama report issued by Tahsildar could amply establish the title and possession in respect of suit schedule properties but the trial Court, unfortunately, showed utter niggardliness to them and simply carried away by Ex.P3—final decree proceedings and Ex.P4—delivery receipt which, as already stated, were not able to establish identity of the suit property. He thus argued that the interim injunction caused more hardship to defendants 1, 29 and 30 who are the purchasers of the suit land, than the plaintiffs if denied. He thus prayed to allow the CMA and set aside the impugned order.

7a) Per contra, learned counsel for respondents/plaintiffs would argue that defendants 2 to 27 and their predecessor—T.Ramulu have lost in the earlier two rounds of litigation and G.Yesamma having

succeeded in the long drawn litigation, could ultimately get possession of plaint schedule property and now defendants 1, 29 and 30, who are said to be the purchasers under defendants 2 to 27, started fresh round of litigation by meddling with the suit property and in view of their sinister conduct, the trial Court rightly granted interim injunction. He argued that conduct of the parties also play a key role in granting or refusing injunction.

b) Nextly, repelling the argument of the defendants that the plaintiffs had not established *prima facie* case, he vehemently argued that they had amply established not only the *prima facie* case but also *prima facie* title to the suit property. He cited the judgment of the Apex Court in *Dalpat Kumar vs. Prahlad Singh*¹ to draw distinction between *prima facie* case and *prima facie* title.

c) Learned counsel further argued that it is preposterous for the defendants to contend that plaintiffs failed to establish the identity of the plaint schedule property with reference to Ac.88.89 cts. of land delivered to them in O.S.No.134 of 1954. Citing Ex.P5—plaint in O.S.No.119 of 1981 (re-numbered as O.S.No.80 of 1983) he argued that the said suit was filed by the sons of T.Ramulu and one Satyanarayana challenging the final decree proceedings in O.S.No.134 of 1954 as illegal and the delivery of the land obtained by G.Yesamma do not cover the plaint schedule land in O.S.No.119 of 1981. The said suit was dismissed after trial and the appeal was also dismissed.

¹ AIR 1993 Sc 276

The plaint schedule land in O.S.No.119 of 1981 and present suit land is one and the same which implies that the present contention of the defendants and their contention in O.S.No.119 of 1981 is one and the same and plaint schedule property is also same in two suits. Therefore, it is ridiculous to contend that the plaintiffs could not establish the identity of plaint schedule property. He thus prayed to dismiss the appeal.

8) In the light of above rival arguments, the point for determination is:

“Whether there are merits in the CMA to allow?”

9a) **POINT:** The trial Court having found *prima facie* case, balance of convenience and irreparable loss in favour of plaintiffs granted them interim injunction in I.A.No.499 of 2014 which is impugned by defendants 1, 29 and 30 in the instant CMA. The cardinal principles to grant interim injunction are reiterated by the Honourable Apex Court and various High Courts in a thicket of decisions. One of which is ***Dalpat Kumar***’s case (1 supra). Giving an exhaustive note on conditions for granting interim injunction, Honourable Apex Court observed that Order XXXIX Rule 1 (c) CPC provides that temporary injunction may be granted when it is proved by the affidavit or otherwise that the defendant threatens to dispossess the plaintiff or otherwise cause injury to the plaintiff in respect of property in dispute. In such an instance, the Court may injunct other party restraining from doing such acts till disposal of the suit. The Apex Court further

observed that Order XXXIX Rule 1(c) was brought on statute book pursuant to the recommendation of the Law Commission by Amendment Act 104 of 1976 and earlier the relief covered by clause (c) used to be granted under the inherent power under Section 151 CPC and by virtue of clause (c) if there is a threat of dispossession by the defendant or otherwise cause injury to the plaintiff, the Court can grant interim injunction. The prime object of granting injunction is to preserve the disputed property till legal rights are adjudicated in the trial.

b) Then, the Apex Court discussed about the principles for granting the aforesaid interim injunction. It laid down that:

“The exercise thereof is subject to the court satisfying that (1) there is a serious disputed question to be tried in the suit and that an act, on the facts before the court, there is probability of his being entitled to the relief asked for by the plaintiff/defendant; (2) the court's interference is necessary to protect the party from the species of injury. In other words, irreparable injury or damage would ensue before the legal right would be established at trial; and (3) that the comparative hardship or mischief or inconvenience which is likely to occur from withholding the injunction will be greater than that would be likely to arise from granting it.”

Thus, while expounding the three cardinal principles i.e. (i) *prima facie* case (ii) balance of convenience and (iii) irreparable loss or injury as above, the Apex Court had also happened to draw distinction between *prima facie case* and *prima facie title*. It held thus:

“Para—5. Therefore, the burden is on the plaintiff by evidence aliunde by affidavit or otherwise that there is "a prima facie case" in his favour which needs adjudication at the trial. The existence of the prima facie right and infraction of the enjoyment of his property or the right is a condition for the grant of temporary injunction. Prima facie case is not to be confused with prima facie title which has to be established, on evidence at the trial. Only prima facie case is a substantial question raised, bona fide, which needs investigation and a decision on merits. Satisfaction that there is a prima facie case by itself is not sufficient to grant injunction. The Court further has to satisfy that non-interference by the Court would result in "irreparable injury" to the party seeking relief and that there is no other remedy available to the party except one to grant injunction and he needs protection from the consequences of apprehended injury or dispossession. Irreparable injury, however, does not mean that there must be no physical possibility of repairing the injury, but means only that the injury must be a material one, namely one that cannot be adequately compensated by way of damages. The third condition also is that "the balance of convenience" must be in favour of granting injunction. The Court while granting or refusing to grant injunction should exercise sound judicial discretion to find the amount of substantial mischief or injury which is likely to be caused to the parties, if the injunction is refused and compare it with that it is likely to be caused to the other side if the injunction is granted. If on weighing competing possibilities or probabilities of likelihood of injury and if the Court considers that pending the suit, the subject-matter should be maintained in status quo, an injunction would be issued. Thus the Court has to exercise its sound judicial discretion in granting or refusing the relief of ad interim injunction pending the suit.”

Thus, a *prima facie* case which as narrated by the Apex Court, is a serious question on the right propounded by the petitioner which is worth trial and adjudication but not the *prima facie* title to the property.

10) In the light of above judicial precedents, it has now to be seen whether the trial Court was factually and legally right in granting interim injunction in favour of plaintiffs.

a) Admittedly, plaintiffs and defendant No.28 are claiming the suit property under Ex.P18—Will said to be executed by G.Yesamma who in turn got the suit property and some other property totalling Ac.88.89 cts. in a court partition covered by Exs.P3 and P4. The ancestor of defendants 2 to 27 viz. T.Ramulu initially and his three sons subsequently, were the parties to the said litigation. The present appellants—defendants 1, 29 and 30 are the purchasers from defendants 2 to 27.

b) The main plank of argument of the defendants is that no doubt O.S.No.134 of 1954, a suit for partition of 208 acres, was filed by the parents of G.Yesamma and later she joined as 3rd plaintiff and the suit was decreed and during final decree proceedings advocate commissioner was appointed who conducted survey with the help of surveyor and demarcated the respective properties of the parties and prepared a plan. However, in that plan, the land of T.Ramulu i.e. plaint schedule property remained as it is with slight variations, as the land was measured with North to South direction without taking into consideration of additional land on East and West. The commissioner showed Ac.21.45 cts. covered by Plot Nos.9 and 10 in the said plan. Plot No.9 was allotted to T.Ramulu and Plot No.10 was allotted to his vendor—Kakani Venkata Subbaiah. Thus, the contention of the

defendants, it appears, is that present plaint schedule property was in fact allotted to the share of T.Ramulu but of course with a reduced extent of Ac.21.45 cts. and hence T.Ramulu and subsequently defendants 2 to 27 have been enjoying the suit schedule property and later they sold to defendants 1, 29 and 30 under Exs.R1 to R3. Their further contention is that the land delivered to G.Yesamma under Exs.P3 and P4 do not comprise plaint schedule property and in fact, whatever land she obtained was already sold by her. Thus, the essence of their contention is that plaintiffs could not co-relate plaint schedule property with Exs.P3 and P4 and they could not prove possession also.

11) We are afraid, the above contention does not carry conviction as the very same contention raised now was also raised by the three sons of T.Ramulu and one Satyanarayana in O.S.No.119 of 1981 (re-numbered as O.S.No.80 of 1983). Ex.P5—plaint copy in O.S.No.119 of 1981 would show that they filed the said suit against G.Yesamma on the file of Subordinate Judge, Gudiwada in respect of the present suit schedule property i.e. Ac.7.05 cts. in R.S.No.327/1 and Ac.17.30 cts. in R.S.No.327/2 (total Ac.24.35 cts.). They sought for declaration that preliminary and final decrees passed in O.S.No.134 of 1954 are null and void, inoperative being without jurisdiction and unenforceable and inexecutable sofaras the plaint schedule property is concerned, for consequential permanent injunction restraining the defendant and her men from interfering with the plaint schedule property. G.Yesamma filed written statement and contested the suit

vide Ex.P6. Then, Ex.P7 would show that the trial Court after full-fledged trial on elaborate findings dismissed the suit. It observed thus:

“Para-29 Issue No.4: Consequently the plaintiffs are not entitled for injunction at all. They could not establish that they were in possession of Ac.24.35 cts. As per Ex.B15 they were only entitled for Ac.21.04 cts. and nothing more than that. There is no basis for mentioning Ac.24.35 cts. in the plaint schedule. There is no basis to show that defendant had only Ac.65.00. No doubt she sold Ac.63.00 and odd. But still she has Ac.26.00 and odd of Ac.89.88 cts. She rightly and legally executed the final decree in O.S.No.134 of 1954 and took possession of property.”

The appeal—A.S.No.1888 of 1986 preferred by the plaintiffs before the High Court was dismissed for default on 25.11.2002 vide Ex.P13. Thus, it is clear that in the earlier two rounds of litigation the defendants 2 to 27 and their predecessor have lost in respect of present plaint schedule property. In that view, their contention that present plaintiffs failed to co-relate the plaint schedule property with the documents produced by them cannot be accepted. In spite of the previous litigation, the defendants have now embarked upon 3rd round of litigation to meddle with the plaint schedule property. Thus, as rightly contended by learned counsel for respondents/plaintiffs, they could establish not only *prima facie* case but also *prima facie* title in them.

a) Possession is concerned, by virtue of judgments in O.S.No.80 of 1983 dated 02.06.1986 and A.S.No.1888 of 1986 dated 25.11.2002

plaintiffs' possession in respect of suit property can be accepted. No doubt, the defendants filed Adangals, third party affidavits and Tahsildar report to show their possession but in view of the judgment by a competent court of law, those documents cannot be considered in the interim injunction petition.

b) Loss and injury are concerned, as rightly pointed out by the trial Court, the defendants 2 to 27 have been creating sale deeds in favour of defendants 1, 29 and 30 and thereby all of them are meddling with suit property causing threat of dispossession. In view of *prima facie* case, balance of convenience and irreparable loss being on plaintiffs' side, the trial Court rightly granted interim injunction in their favour and the order do not suffer from any illegality or irregularity. Accordingly, we do not find any merits in the CMA.

12) In the result, CMA is dismissed confirming the order passed by the trial Court in I.A.No.499 of 2014 in O.S.No.99 of 2014. The trial Court shall dispose of the suit without being influenced by the observations made in this judgment. No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

SANJAY KUMAR, J

U. DURGA PRASAD RAO, J

Date: 02.12.2016
Murthy