

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

CMA.No.294 of 2015

Date:27.9.2016

Between:

Dittakavi Satyavathi @
Vaddadi Satyavathi, W/o Vaddadi V.Bhaskar

..... Petitioner

And:

Dittakavi Joga Rao,
S/o Late D.Suryanarayana and two others.

....Respondents

Counsel for the petitioner: Mrs. D.Satyavathi
Party-in-person

Counsel for the respondents: Mr. K.Sarvabhuma Rao

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Civil Miscellaneous Appeal arises out of order, dated 09.03.2015, in I.A.No.2212 of 2014 in O.S.No.720 of 2014 on the file of the learned VII Additional District Judge, (Fast Track Court), Visakhapatnam, whereby he has dismissed the said I.A. filed for interim injunction restraining the respondents from dealing with plaint 'A' and 'B' schedule properties by creating charge, mortgage or alienating the same pending the suit.

On the initiative taken by this Court, Mr. K.Sarvabhouma Rao, learned counsel for the respondents fairly submitted that his clients would not sell the suit schedule properties which fell to their share. He has further submitted that items 11 and 12 of plaint 'A' schedule properties were given for development to a third party, who filed CMAMP.No.686 of 2016 for his impleadment and that 12 flats were built, out of which, 8 flats fell to the share of the said developer. Learned counsel has further submitted that certain items of plaint schedule properties were sold by the respondents prior to the filing of the suit and that whatever properties that are unsold as of now will not be sold by the respondents pending the suit.

In the light of the above fair offer of the respondents, the Civil Miscellaneous Appeal is disposed of in the following terms:

- (1) The third party developer is entitled to sell the eight flats constructed over items 10 and 11 of plaint 'A' schedule properties which fell to his share; and
- (2) The respondents shall not sell or create any third party interests over the remaining properties which have remained unsold as of now.

As a sequel to disposal of the Civil Miscellaneous Appeal, CMAMP.Nos.141, 574, 686, 1031 and 1328 of 2016 stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

27th September 2016
DR

