

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.329 OF 2012

O R D E R

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This Appeal is preferred against order dated 09.01.2012 in I.A.No.1902 of 2011 in O.S.No.151 of 2009 on the file of I Additional District Judge, Nellore.

The appellants herein are plaintiffs who filed the suit seeking partition of plaint A to C schedule property into six equal shares and allotment of one such share to each plaintiff and in that suit they filed I.A.No.1902 of 2011 seeking temporary injunction restraining the respondents from alienating plaint schedule property to 3rd parties pending disposal of the suit. Trial Court on a consideration of contentions and rival contentions of both the parties dismissed the applications holding that petitioners failed to show that respondents made any attempt to alienate the plaint schedule property and further the rights of the plaintiffs are protected under Section 52 of Transfer of Property Act. Making the above observations dismissed the injunction application. Aggrieved by which the present appeal is preferred.

Heard both sides.

From the submission of both sides, it is clear that the suit is of the year 2009 and from the office note it appears that suit is a part heard and is at the stage of further evidence. As the trial has already commenced, instead of deciding the merits and demerits of the case at the interlocutory stage, I deem it appropriate to direct the Court below to dispose of the suit as expeditiously as possible preferably within a period of six (6) months as the rights of the plaintiffs are protected under Section 52 of Transfer of Property Act.

For these reasons, the appeal is disposed of directing the Court below to dispose of the suit as expeditiously as possible preferably within a period of six (6) months from the date of receipt of copy of this

order. No costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

S. RAVI KUMAR,J

Date: 12.08.2016
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