

**HON'BLE SRI JUSTICE S. RAVI KUMAR**  
**CIVIL MISCELLANEOUS APPEAL No.964 of**  
**2015**

**JUDGMENT:**

This appeal is preferred questioning order dated 08.09.2015 in I.A.No.513 of 2014 in O.S.No.107 of 2014 on the file of Senior Civil Judge, Siricialla.

2. Appellant herein is plaintiff, who filed the above referred O.S.No.107 of 2014 for partition of suit schedule properties and in that suit plaintiff filed I.A.No.513 of 2014 to restrain respondents/defendants from alienating, encumbering or mortgaging the suit schedule properties pending disposal of the suit. That application was resisted by respondents herein contended that appellant has no avocation and that 'A' and 'B' schedule properties are purchased independently and that appellant had no right at all as it is the self-acquisition of 1<sup>st</sup> respondent. On these contentions the Court below dismissed the application holding that there is no prima facie in favour of petitioner/plaintiff and aggrieved by the said order, present appeal is preferred.

3. Heard both sides.

4. This Court, on 14.12.2015, while ordering

notice to respondents ordered *status quo* directing parties to maintain *status quo* as on that date and the said order is still in force.

5. As the suit itself is for partition and the objection of respondents and the claim of appellant has to be decided in the suit itself instead of deciding the application at interlocutory stage and appeal thereon, I am of the view that the main suit itself is to be taken up for trial. Therefore, Court below is directed to expedite the trial of the suit and till disposal of the suit, the *status quo* order granted by this Court shall continue.

6. With the above observation, this appeal is disposed of without prejudice to the rights of both parties.

7. Miscellaneous petitions pending, if any, shall stand closed. No costs.

**S. RAVI KUMAR, J**

25<sup>th</sup> April 2016.

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