

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

Civil Miscellaneous Appeal No.755 of 2016

Date: 30.09.2016

Between:

Siddaiah

... Appellant

and

Smt.Narayanamma and 31 others

...Respondents

Counsel for the Appellant: Mr.A.Prabhakar Sarma

Counsel for respondent No.15:Mr.G.Ramachandra Reddy

The Court made the following:



Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

At the interlocutory stage, the Civil Miscellaneous Appeal (CMA) is taken up for hearing and disposal with the consent of the learned Counsel for both parties.

Order, dated 29-07-2016, in IA.No.123 of 2016 in OS.No.18 of 2016 on the file of the Additional District Judge, Hindupur, is assailed in this Civil Miscellaneous Appeal by the respondents in the said Application.

From a perusal of the order under appeal, it is evident that pending IA.No.123 of 2016 filed by the respondents for injunction restraining the appellants from alienating the suit schedule properties, the lower Court has enjoined both parties from alienating the same, while intending to dispose of IA.No.123 of 2016 and also IA.No.157 of 2016 filed by the respondents for rejection of plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908 (CPC).

Mr.A.Prabhakar Sharma, learned Counsel for the appellants, submitted that the order of the lower Court is bereft of any reasons and that therefore, the same is liable to be set aside.

Mr.G.Ramachandra Reddy, learned Counsel for respondent No.15, submitted that the lower Court has passed the impugned order as an interim measure pending IA.No.157 of 2016 and that therefore, non-furnishing of detailed reasons is not fatal to the sustainability of the said order.

A careful scrutiny of the order of the lower Court would show that at one place, it has observed that in the result, the petition is allowed, but, in conclusion, it has, however, stated that it is inclined to grant temporary injunction till further orders. Thus, there is an apparent contradiction in the order of the lower Court. In the light of the same, we direct the lower Court to treat the order under appeal as interim in nature and finally dispose of IA.No.123 of 2016 along with IA.No.157 of 2016 after hearing both sides and recording proper reasons as expeditiously as possible and not later than one month from the date of receipt of this order.

Subject to the above direction, the CMA is disposed of.

As a sequel to disposal of the CMA, CMAMP.No.1537 of 2016, filed by the appellant for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(G.Shyam Prasad, J)

Dt: 30th September, 2016
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