

THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE SMT JUSTICE ANIS

CIVIL MISCELLANEOUS APPEAL Nos.774 and 776 of 2016

COMMON JUDGMENT: (per SK, J)

These Civil Miscellaneous Appeals are amenable to disposal by way of a common order.

CMA.No.774 of 2016 arises out of the order dated 08.09.2016 passed by the learned XI Additional Chief Judge, City Civil Court, Hyderabad, in I.A.No.1172 of 2016 in O.S.No.563 of 2016 granting an *ex parte* temporary injunction restraining the defendant in the suit from creating third party interests in the defendant company by transferring the Management, control and shareholding thereof.

CMA.No.776 of 2016 arises out of the order dated 08.09.2016 passed by the learned XI Additional Chief Judge, City Civil Court, Hyderabad, in I.A.No.1173 of 2016 in O.S.No.563 of 2016 directing the defendant to furnish security to the equivalent of the suit claim within a time frame failing which attachment of the petition schedule properties was to follow.

The appellant in both the appeals is the defendant in the suit.

Heard Mr. O. Manohar Reddy, learned counsel representing Ms. B. Sapna, learned counsel for the appellant/defendant and Mr. R. Raghunandan, learned Senior Counsel representing Mr. K. Chunchurami Reddy, learned counsel for the respondent/plaintiff.

Perusal of the orders under appeal in both the cases reflects that they are utterly bereft of reasoning as to why the trial Court deemed it appropriate to grant such interim relief. Except stating that the Court was convinced with the contention as well as the apprehension of the petitioner in both IAs, the trial Court did not deem it necessary to deal with the issue and record reasons as to why interim relief was being granted. Learned counsel also agree that the orders under appeal are brief to the point of being cryptic and cannot be sustained.

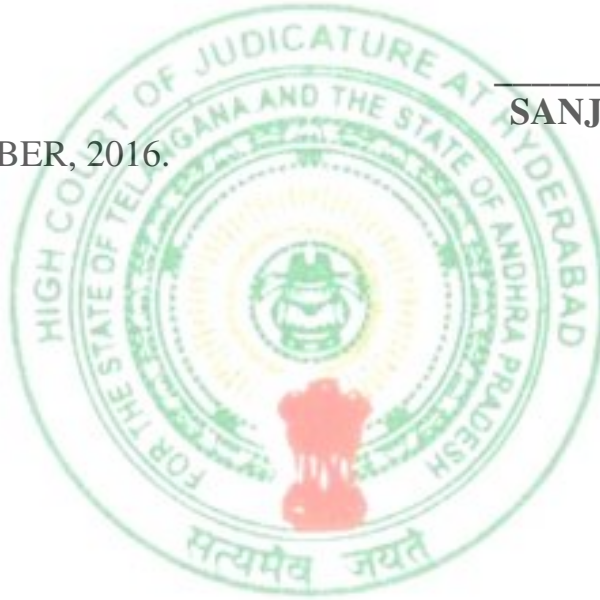
Both the Civil Miscellaneous Appeals are accordingly allowed setting aside the orders under appeal in both the cases and remitting the matters to the trial Court for consideration afresh. Needless to state, this Court has not gone into the merits of the matter and the trial Court is at liberty to consider the

matters afresh on their own merits and in accordance with law, uninfluenced by the setting aside of the earlier orders passed in the IAs. This exercise shall be completed expeditiously and preferably within thirty days from the date of receipt of a copy of this order.

Pending miscellaneous petitions in both the appeals shall stand closed in the light of this final order. No order as to costs.

16th NOVEMBER, 2016.

kvni



SANJAY KUMAR, J

ANIS, J