

HONOURABLE SRI JUSTICE S.RAVI KUMAR
CMA.No.404 OF 2016

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ORDER:

This CMA is preferred against order dated 20th June, 2016 in I.A.No.22 of 2015 in O.S.No.50 of 2016 on the file of IV Additional District Judge, Ranga Reddy at L.B.Nagar.

Heard both sides.

The appellants herein are defendants in the above referred suit and suit is filed for a decree of perpetual injunction restraining defendants from causing interference with peaceful possession and enjoyment of plaint schedule property. In that suit, plaintiffs filed I.A.No.22 of 2015 seeking temporary injunction and Court below granted exparte injunction on 20th January, 2016. Questioning the same, defendants preferred this appeal mainly on the ground that plaintiffs are not properly represented by seeking necessary leave required under Rule 32 of the Civil Rules of Practice. Other side contended that necessary application was filed and leave was also obtained in I.A.No.93 of 2016.

Now the appeal is preferred against exparte order. Instead of going into merits and demerits at this stage, I feel it appropriate to remit back the matter to Court below directing appellants herein to file their counter and contest the matter on merits and on that, Court below shall decide the application in accordance with law, including the objection with regard to leave under Rule 32 of the Civil

Rules of Practice. However, as the property is a Ashram property, I deem it appropriate to direct both parties not to take any steps of alienating property pending disposal of interim application before Court below.

With the above observations, CMA is allowed setting aside the impugned order, dated 30.01.2016 and matter is remitted back for disposal in accordance with law. There shall be no order as to costs.

As a sequel miscellaneous petitions, if any, pending in this appeal shall stand dismissed.

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JUSTICE S.RAVI KUMAR

Dated: 13-07-2016.

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DATED: 13.07.2016

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