

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE ANIS

Review C.M.A. M.P. No2124 of 2016 in C.M.A. No.773 of 2016
and
C.M.A. No.773 of 2016

ORDER: (Per the Hon'ble Sri Justice Sanjay Kumar)

This petition under Order XLVII Rule 1 C.P.C. was filed by respondents 1 to 3 in C.M.A. No.773 of 2016 seeking review of the order dated 06.12.2016 passed therein.

2. Having heard Sri V.R.Machavaram, learned counsel for the review petitioners, and Sri G.Ramachandra Reddy, learned counsel representing Sri M.N.Narasimha Reddy, learned counsel for the respondent-appellant, we are of the opinion that the order requires review and accordingly grant the same. The review petition is taken up for hearing on merits.

3. It is represented before us by Sri V.R.Machavaram, learned counsel, that the appeal was preferred only by defendant No.10 in O.S.No.34 of 2015 on the file of the learned VII Additional District Judge, Gudur. Learned counsel would point out that the appellant, defendant No.10 in the suit, was only interested in the suit 'E' schedule property, but the order passed by this Court is in relation to all the suit schedule properties and the other defendants also.

4. Sri G.Ramachandra Reddy, learned counsel, fairly concedes that his client is only interested in the suit 'E' schedule property and the value of Rs.25.00 lakhs deposited by his client was also in relation to 1/4th share in the suit 'E' schedule property alone.

5. In that view of the matter, the order dated 06.12.2016 passed by this Court in C.M.A. No.773 of 2016 shall be read down to the effect that the appeal stands allowed only to the extent of setting aside the injunction order dated 12.07.2016 passed by the learned VII Additional District Judge, Gudur, in I.A.No.122 of 2015 in O.S.No.34 of 2015 as regards the suit 'E' schedule property only and insofar as defendant No.10 in the suit is concerned. The injunction shall remain operative as against the other suit schedule properties and the other defendants.

The Review C.M.A. M.P. is accordingly ordered. No costs.

SANJAY KUMAR, J

ANIS, J

21.02.2017
MVA

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