

HON' BLE SRI JUSTICE SURESH KUMAR KAIT  
&  
HON' BLE SRI JUSTICE U. DURGA PRASAD RAO

C.M.A. No. 686 of 2014

JUDGMENT:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

1) This Civil Miscellaneous Appeal is preferred against the order dated 26.03.2014 made in I.A.No. 101 of 2013 in O.S.No. 963 of 2013 on the file of the Court of XXIV Additional Chief Judge, City Civil Court, Hyderabad, whereby the petition filed under Order XXXIX Rules 1 and 2 read with Section 151 CPC for temporary injunction restraining the respondents from alienating or creating any charge over the petition schedule property, was dismissed.

2) It is submitted by the learned counsel for both the parties that after the I.A.No. 101 of 2013 was dismissed by the trial Court, the respondents herein sold away the suit schedule property to third parties, who are added as defendant Nos.3 and 4 in O.S.No. 963 of 2013.

3) Inasmuch as the appeal is filed challenging the order of dismissal dated 26.03.2014, and that the petition schedule property over which temporary injunction restraining the respondents from alienating or creating any charge is sought, was already sold to third parties by the respondents, the subject matter of this appeal has become infructuous.

4) Accordingly, the Civil Miscellaneous Appeal is dismissed as having become infructuous. It is needless to mention that the schedule property sold by the respondents to the third parties shall be subject to outcome in the suit by virtue of Section 52 of the Transfer of Property Act. No order as to costs.

5) As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

24.03.2017

bcj



SURESH KUMAR KAIT, J

U. DURGA PRASAD RAO, J