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

C.M.A. No. 69 of 2017

JUDGMENT:- (Per Hon'ble Sri Justice Suresh Kumar Kait)

This Civil Miscellaneous Appeal is preferred by defendant Nos.1, 3 and 4 against the order dated 31.10.2016 passed in I.A.No. 951 of 2014 in O.S.No. 1117 of 2014 by XI Additional Chief Judge, City Civil Courts, Hyderabad whereby the petition filed by the plaintiff under Order 39 Rules 1 and 2 read with Section 151 CPC seeking to grant ad-interim injunction restraining the defendants not to interfere with the plaintiff's peaceful possession and enjoyment of the petition "A" schedule property till the disposal of the suit, was allowed.

It is not in dispute that the 1st respondent herein – plaintiff has filed a suit in O.S.No. 1117 of 2014 against the defendants seeking for partition and possession of the plaint schedule property. The 1st respondent is the daughter-in-law of the 1st appellant, whose husband died. As stated in the plaint, the 1st respondent-plaintiff is staying in the plaint "A" schedule property and her husband, being legal heir of the property, is entitled to his share. Therefore, the 1st respondent –plaintiff filed I.A.No. 951 of 2014 under Order 39 Rules 1 and 2 read with Section 151 Cr.P.C. to grant

ad-interim injunction restraining the defendants from interfering with her peaceful possession and enjoyment of the petition "A" schedule property, and the trial Court, allowed the petition.

Inasmuch as the suit filed by the 1st respondent – plaintiff is pending disposal, we are of the considered view that there is no perversity or illegality in the order under challenge.

Hence, we find no merit in this appeal and the same is accordingly dismissed at the admission stage. Since the appellants are also claiming themselves to be legal heirs and having share in the plaint schedule property, the trial Court is directed to dispose of the main suit itself as expeditiously as possible. It is made clear that till the disposal of the suit, *Status Quo* obtaining as on today over the plaint "A" schedule property shall be maintained. No order as to costs.

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

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SURESH KUMAR KAIT, J

02.02.2017

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U. DURGA PRASAD RAO, J

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