

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE MS JUSTICE J.UMA DEVI

CMA.No.457 of 2017

Date:15.6.2017

Between:

Valluri Srikanth,
S/o Mallikarjuna Rao

..... Appellant

And:

Maddipatla Srinivas,
S/o Adinarayana

.....Respondent

Counsel for the appellant: Mr. K.Chidambaram



The Court made the following:

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

At the interlocutory stage, the Civil Miscellaneous Appeal is taken up for hearing and disposed of.

This Civil Miscellaneous Appeal arises out of order and decree, dated 11.4.2017, in I.A.No.245 of 2017 in O.S.No.8 of 2017 on the file of the learned IX Additional District Judge, West Godavari at Kovvur.

The appellant has filed the aforementioned suit for specific performance of agreement of sale, dated 27.01.2014. He has also filed I.A.No.245 of 2017 in the said suit for temporary injunction restraining the respondent from altering the physical features of the suit schedule property by making permanent constructions. On discussing the elements of *prima facie* case and balance of convenience, the lower Court has dismissed the said application. It has observed that as against the total sale consideration of Rs.25 lakhs, the appellant has only paid a token advance of Rs.2 lakhs and that, on the facts of the case, the balance of convenience does not lie in his favour for restraining the respondent from raising constructions in the suit schedule property.

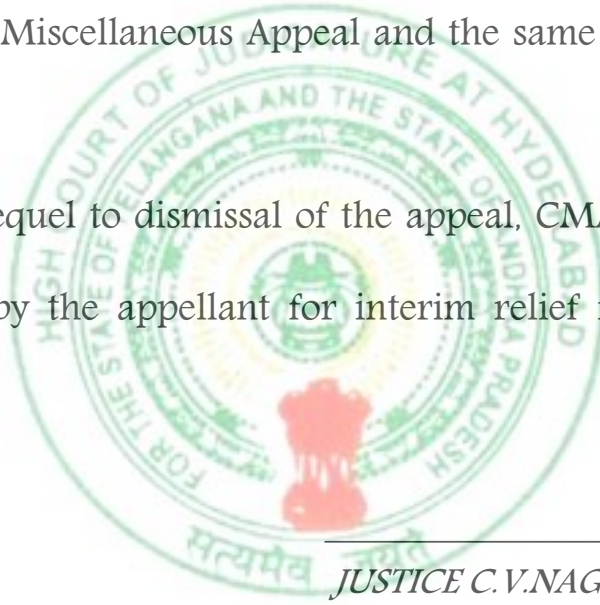
If the respondent is not restrained from proceeding with the constructions in the suit schedule property, the loss that the appellant may suffer would not be irreversible. The appellant

can always claim the structures along with the suit schedule property or in the alternative, seek a direction to the respondent to remove the structures if he succeeds in the suit.

On a consideration of these facts and the reasons assigned by the lower Court for refusing to grant the relief of temporary injunction to the appellant, we do not find any reason to interfere with the order of the lower Court.

In the above view of the matter, we do not find any merit in this Civil Miscellaneous Appeal and the same is accordingly, dismissed.

As a sequel to dismissal of the appeal, CMAMP.No.974 of 2017 filed by the appellant for interim relief is dismissed as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE J.UMA DEVI

15th June 2017

DR