

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE MS. JUSTICE J.UMA DEVI

CIVIL MISCELLANEOUS APPEAL No.440 of 2017

08.06.2017

Between:

Karri Veera Venkata Satyanarayana

.. Appellant

And

Karri Sanyasi Ratnam

..Respondent

Counsel for the appellant: Mr.K.B.Ramanna Dora

Counsel for the respondent: --

The Court made the following:



JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

At the interlocutory stage, the appeal itself is taken up for hearing and disposal with the consent of the learned counsel for both the parties.

2. The appellant sold suit schedule 'A' to 'E' properties to different respondents under as many as five sale deeds, dated 22.06.2013, 25.08.2014, 25.08.2014, 09.09.2014 and 09.09.2014. The appellant, however, sought to resile from the said act by filing O.S.No.88 of 2015 seeking cancellation of the aforementioned sale deeds. He filed I.A.No.1935 of 2015 for temporary injunction restraining the respondents from alienating the suit schedule properties. This application was contested by the respondents. The Court below, by a detailed order, dated 27.03.2017, has dismissed the said application.

3. Having carefully examined the reasons assigned by the Court below, we are of the opinion that the order under appeal does not call for any interference. As the appellant has admittedly executed the sale deeds and got them registered, we do not find the element of *prima facie* case in his favour. Even with regard to the element of balance of convenience, having paid the sale consideration and got the properties registered in their name, the respondents cannot be restrained from enjoying the same as per their will and wish and any fetters in that regard, in our opinion, would cause irreparable injury to their interests. In the light of the above facts, we do not find any merit in this appeal.

4. The Civil Miscellaneous Appeal is, accordingly, disposed of as infructuous. However, we make it clear that any alienation(s) made by the respondents pending the suit shall abide by its result.

5. As a sequel to disposal of the C.M.A., C.M.A.M.P.No.745 of 2017 filed by the appellant for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

J.UMA DEVI, J

08th June, 2017
GHN

