

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE U. DURGA PRASAD RAO
CIVIL MISCELLANEOUS APPEAL No.986 OF 2017**

JUDGMENT: (ORAL)

(Per Suresh Kumar Kait, J)

Vide the present appeal, appellants have challenged order dated 31.07.2017 passed in I.A.No.4431 of 2015 in O.S.No.167 of 2015 by the learned I Additional Chief Judge, City Civil Court, Secunderabad, whereby appellants/respondents were restrained from further proceeding with construction activity in the petition schedule property and also restraining them from alienating, transferring or creating any charge over the said property till final disposal of the aforesaid suit.

Heard the learned counsel appearing for the parties.

Learned counsel for appellants submits that appellants have already constructed upto 4th floor in the petition schedule property.

After hearing the learned counsel for the parties, we, hereby, allow the present appeal, by directing the appellants to proceed with the construction in the petition schedule property, however, appellants shall not claim any equity if respondents/plaintiffs succeed in the suit mentioned above. We further make it clear that, if the appellants alienate the petition schedule property, they shall mention in the sale deed that the alienation would be subject to the outcome of O.S.No.167 of 2015 on the file of the I Addl. Chief Judge, City Civil Court, Secunderabad.

Learned counsel for the parties have agreed to the above observations made by this Court.

The Civil Miscellaneous Appeal is accordingly disposed of. No order as to costs.

As a sequel, miscellaneous petitions, if any, pending in the appeal, stand closed.

SURESH KUMAR KAIT, J

U. DURGA PRASAD RAO, J