

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

FRIDAY THE TWENTYFIRST DAY OF APRIL
TWO THOUSAND AND SEVENTEEN

PRESENT

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO

CMA.No. 669 OF 2015

Between:

M/s. P.V. Subba Naidu & Co., Visakhapatnam,
Rep. by Managing Partner,
P. Ravindra Babu ,... Appellant

V/s.

M/s. KPR Constructions, Hyderabad
Rep. by its Proprietor K. Premnath ... Respondent

Counsel for the Appellant : Sri J. Ugranarasimha

Counsel for the Respondent : Sri N. Pavan Kumar

The court made the following : [judgment follows]

**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO**

CMA.No. 669 OF 2015

JUDGMENT : [O R A L] :

[Per the Hon'ble Sri Justice Suresh Kumar Kait]

This Civil Miscellaneous Appeal is filed by the appellants/petitioners/plaintiffs against the order dated 23/06/2015 passed by VII-Additional District Judge [FTC], Visakhapatnam, in I.A.No. 141 of 2014 in OS.No. 49 of 2014, dismissing the petition filed by them seeking to grant ex-parte ad-interim injunction restraining the respondents/defendants, their men, agents and whomsoever on their behalf from making constructions in the plaint schedule properties, pending disposal of the suit.

2. It is an admitted fact that construction has already been completed and started using for the particular purpose.

Therefore, at this stage, the relief sought for by the appellants in the Interlocutory Application that there be no further construction in the plaint schedule properties is redundant and this prayer has become infructuous.

3. However, we hereby make it clear that the constructions taken-up by the respondents/defendants shall be subject to the outcome of O.S.No. 49 of 2014. We further make it clear that the respondents/defendants are restrained from alienating or creating any third party interest in the suit schedule properties and the respondents shall not claim any equity in case plaintiffs succeeds in the suit. However, we direct the trial court to dispose of the main suit as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this judgment.

4. With the above direction, this Civil Miscellaneous Appeal is disposed of. No costs.

5. As a sequel, miscellaneous petitions if any, pending in
this Civil Miscellaneous Appeal shall stand closed.

JUSTICE SURESH KUMAR KAIT.

JUSTICE U. DURGA PRASAD RAO.



21/04/2017

I s L

MOST URGENT:

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO.



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