

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

C.MA. No.606 of 2014

JUDGMENT:

The appeal is directed against the orders dated 01.05.2014 in I.A.No.1223/2013 in O.S.No.264/2013 on the file of the II Additional District Judge, Warangal, by and under which, the application of the appellant/petitioner/plaintiff for temporary injunction restraining the respondents Nos.7 & 8 from making any further construction on the schedule property was dismissed.

A perusal of the impugned order shows that respondents Nos.7 & 8 are the *bona fide* purchasers of the schedule property under a registered instrument from the ancestors of respondents Nos.1 to 6, against whom the suit for partition has been filed. It is also borne from the record that respondents Nos.7 & 8 have already made some construction over the schedule property, i.e., raising stone pillars with barbed fencing, tin shed etc.

The court below has taken into consideration the documentary evidence adduced on either side in right perspective and refused to grant injunction in favour of appellant/petitioner/plaintiff. The impugned order does not suffer from any irregularity or illegality, warranting interference. I see no merit in the present appeal.

The CMA is accordingly dismissed. No order as to costs. Needless to say that the appellant is at liberty to work out other remedies available under law.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAI SWAL,J

Date: 21.02.2017
Dsr