

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Ms. Justice J.Uma Devi

Civil Miscellaneous Appeal Nos.387 & 388 of 2017

Date: 01.06.2017

CMA.387/17

Between:

Aboob Khalid Bin Mahfooz and 4 others

... Appellants

and

Smt.Shakuntala Devi and another

... Respondents

Counsel for the Appellants: Mr.Radha Krishna. M

The Court made the following:



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

Both these Civil Miscellaneous Appeals (CMA) have been filed by the defendants in OS.No.102 of 2016 on the file of the XII Additional Chief Judge, City Civil Court, Secunderabad, feeling aggrieved by Orders, dated 06-12-2016, in IA.Nos.574 and 575 of 2016 filed therein.

The grievance of the appellants is that though counter-affidavits were filed on 06-12-2016 before the aforesaid IAs were taken up for hearing, after lunch recess, the lower Court has made the interim orders absolute by observing that counter-affidavits were not filed and the respondents were set *ex parte*.

In our opinion, the appropriate course for the appellants is to file applications for setting aside the *ex parte* orders by bringing to the notice of the lower Court, the aforementioned facts and inviting orders on merits and avail further remedies in the event adverse orders are passed against them. In this view of the matter, we are not inclined to entertain these CMAs at this stage and instead, the appellants are relegated to the lower Court by filing appropriate Applications in terms of the above IAs.

Both the CMAs, accordingly, stand disposed of.

As a sequel to disposal of the CMAs, Miscellaneous Petitions,
pending if any, stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(J.Uma Devi, J)

Dt: 1st June, 2017
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