

**THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

C.M.A No.814 of 2016

JUDGMENT: (per the Hon'ble SRI JUSTICE SURESH KUMAR KAIT)

Vide the present appeal, the appellant seeks direction thereby setting aside the order dated 19.09.2016 passed in I.A.No.89 of 2015 in O.S.No.252 of 2014 on the file of VII Additional District Judge, Gudur, Nellore District.

The case of the appellant is that the appellant and the 2nd respondent in I.A No.89 of 2015 are absolute owners by virtue of registered Will, dated 19.07.1960, which is disputed by the respondents herein and the same is the subject matter in OS No.252 of 2014. The appellant and the respondents herein are real brothers and sisters. Until the issue pending before the trial Court in a suit in O.S.No.252 of 2014, is decided, who is the owner and who has the share in the schedule property, it cannot be said that whether appellant and 2nd respondents are absolute owners of the property by virtue of the Will mentioned above, or the respondents, or both have equal shares.

Therefore, we find no perversity or illegality in the order dated 19.09.2016 passed in I.A. No.89 of 2015 in O.S.No.252 of 2014 whereby the respondents are directed not to alienate the suit schedule property till disposal of the suit.

In view of the above, this Civil Miscellaneous Appeal is devoid of merits and liable to be dismissed.

Accordingly, the Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SURESH KUMAR KAIT.

JUSTICE U. DURGA PRASAD RAO.

Date : 23-01-2017

Gvl

