

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

and

The Hon'ble Ms. Justice J.Uma Devi

Civil Miscellaneous Appeal No.467 of 2017

Date: 16.06.2017

Between:

K.Udaya Sekhar

... Appellant

and

Smt.B.Kasturi and 4 others

...Respondents

Counsel for the Appellant: Mr.K.Ramakrishna

The Court made the following:



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

This Civil Miscellaneous Appeal (CMA) arises out of an *ex parte ad interim* order, dated 05-05-2017, directing maintenance of *status quo* with respect to reconstitution of a firm.

After hearing the learned Counsel for the appellant and perusing the record, we are of the opinion that the appellant ought to have first approached the lower Court seeking vacation of the aforesaid *ad interim* order.

A perusal of the *ad interim* order shows that the same was granted till 09-06-2017 and that on that day, the appellant has filed a counter-affidavit. Though the learned Counsel for the appellant submitted that the said *ad interim* order was extended beyond 09-06-2017, a copy of the said order has not been filed. As the appellant has already filed a counter-affidavit and the order questioned in this Appeal is *ad interim* in nature, we do not find any reason to entertain the CMA at this stage. The appellant is permitted to seek vacation of the *ad interim* order by filing appropriate application. If such an application is filed by the appellant,

the Court below is directed to dispose of the same within one month from the date of its filing.

Subject to the above direction, the CMA is disposed of.

As a sequel to disposal of the CMA, CMAMP.No.795 of 2017, filed by the appellant for interim relief, is disposed of as infructuous.

The seal of the High Court of Judicature at Hyderabad is a circular emblem. It features a central green emblem with a white lotus flower. The text "HIGH COURT OF JUDICATURE AT HYDRABAD" is written in a circle around the top, and "FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH" is written around the bottom. At the very bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is inscribed.

(C.V.Nagarjuna Reddy, J)

(J.Uma Devi, J)

Dt: 16th June, 2017
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