

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE G. SHYAM PRASAD

C.M.A. No. 394 of 2017

JUDGMENT:- (Oral)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This appeal arises out of the order dated 03.02.2017 in I.A.No.477 of 2016 in O.S.No. 569 of 2016 passed by the learned IV Additional District & Sessions Judge, Ranga Reddy District at L.B.Nagar.

2. The learned counsel for the appellants – petitioners submits that the aforesaid I.A. was filed under Order XXXIX, Rules 1 and 2 read with Section 151 C.P.C. seeking to grant temporary injunction restraining the respondents/ defendants from alienating the petition schedule property pending disposal of the suit, however the trial Court, while dismissing the petition, observed that the appellants – petitioners are not entitled to perpetual injunction restraining the respondents from alienating the petition schedule property.

3. We note that though the appellants / petitioners filed the petition seeking to grant temporary injunction, the trial Court decided the application by recording that the appellants / petitioners are not entitled to perpetual injunction which is apparently an error on the face of the order. Therefore, we suspend the order dated 03.02.2017 passed in I.A.No. 477 of 2016 in O.S.No. 569 of 2016 till the appellants / petitioners

move an application before the trial Court seeking clarification of the typographical mistake crept in the order and decision is taken thereon by the trial Court.

4. It is made clear that the appellants / petitioners shall file an application for such clarification before the trial Court on or before 08.06.2017.

5. Till disposal of the application, both the parties are hereby directed to maintain *Status Quo* obtaining as to today.

6. If the appellants / petitioners are still aggrieved by the order to be passed by the trial Court, they may file a petition before appropriate forum.

7. With the above observations, the Civil Miscellaneous Appeal is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

27.04.2017

SURESH KUMAR KAIT, J

G. SHYAM PRASAD, J

bcj