

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

and

The Hon'ble Ms. Justice J.Uma Devi

Civil Miscellaneous Appeal No.411 of 2017

Date: 23.06.2017

Between:

K.Renu Kumar

... Appellant

and

T.Srinivas Reddy and another

...Respondents

**Counsel for the Appellants: Mr.Guttapalem Vijayakumar
for Mr.Vadapalli Ramesh**

The Court made the following:



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

At the interlocutory stage, the Civil Miscellaneous Appeal (CMA) itself is taken up for hearing and disposal with the consent of the learned Counsel for the parties.

This Civil Miscellaneous Appeal arises out of Order, dated 20.01.2017, in IA.No.79 of 2015 in OS.No.62 of 2015 on the file of the V Additional District and Sessions Judge at Bhongir, Nalgonda District.

By the afore-mentioned order, the lower Court has granted an interim injunction restraining the appellants from alienating the suit schedule property pending the suit. The suit was filed by the respondent for specific performance of an agreement of sale. It is his pleaded case that though he is ready and willing to perform his part of contract by paying the balance sale consideration, the appellants have not been coming forward to execute the sale deed.

At the hearing, Mr.Guttapalem Vijaya Kumar, learned Counsel representing Mr.Vadapalli Ramesh, learned Counsel for the appellants, in reply to the query of this Court, has stated that his clients will not sell the suit schedule property

pending the suit, but, however, the suit itself is premature. He has further submitted that his clients, in principle, had no objection for execution of the sale deed had the respondent approached them or atleast given them a notice before filing the suit.

The fact that the respondent had paid the appellants a substantial sum of Rs.30 lakhs as advance sale consideration is not in dispute. The appellants have also not disputed the execution of the agreement of sale. In the light of these facts and also the submission of the learned Counsel for the appellants that his clients are not intending to sell the suit schedule property pending the suit, we do not find any reason to interfere with the equitable order passed by the lower Court restraining the appellants from alienating the suit schedule property pending the suit. If the appellants are still interested in executing the sale deed by receiving the balance sale consideration, they can inform the same to the Court and get the suit itself disposed of earlier.

Subject to the above observations, the CMA is dismissed.

As a sequel to dismissal of the CMA, CMAMP.No.705 of 2017, filed by the appellants for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(J.Uma Devi, J)

Dt: 23rd June, 2017
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