

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

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HON' BLE SRI JUSTICE P. KESHAVA RAO

C.M.A.No. 1038 of 2017

JUDGMENT:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

The Civil Miscellaneous Appeal is filed challenging the order dated 13.09.2017 in A.O.P.No. 659 of 2017 passed by XV Additional District and Sessions Judge-cum-II Additional Metropolitan Sessions Judge-cum-II Additional Family Court, Kukatpally, Miyapur, Ranga Reddy District whereby the appellants are restrained from creating any third party interest on the schedule property including changing in any way the nature and character of the schedule property till 09.10.2017.

The learned counsel for the appellants and respondents jointly state that the petition under Section 9 of the Arbitration and Conciliation Act, 1996 read with Section 151 CPC was filed before the Principal District Judge, Ranga Reddy District, but he transferred the matter to XV Additional District and Sessions Judge which is not proper and contrary to law. However, without arguing the case on merit, the learned counsel have agreed and submitted that the matter be tried and disposed of by the learned Principal District Judge, Ranga Reddy District.

In view of the submissions made by the learned counsel for both the parties, we hereby set aside the order dated 13.09.2017 passed by XV Additional District and Sessions Judge in A.O.P.No. 659 of 2017 and direct the Principal District Judge, Ranga Reddy District to adjudicate the matter in accordance with law after giving an opportunity to the parties to be heard.

With the above observation, the Civil Miscellaneous Appeal is allowed. No order as to costs.

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

17.11.2017

SURESH KUMAR KAIT, J

bcj

P. KESHAVA RAO, J

