

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

C.M.A.M.P.Nos.2164, 2165 AND 2166 OF 2017
IN/AND
CIVIL MISCELLANEOUS APPEAL No.1213 OF 2017

JUDGMENT:

Heard learned counsel for the petitioner.

2. Perused the C.M.A.M.P.No.2164 of 2017, which is a delay in re-presentation of 703 days and C.M.A.M.P.No.2165 of 2017, which is delay in filing of 29 days and C.M.A.M.P.No.2166 of 2017, which is pending disposal of the unnumbered C.M.A. against the injunction dismissal order of the lower court in I.A.No.1189 of 2014 sought for interim injunction and perused the grounds urged in the miscellaneous appeal unnumbered supra and the order of the lower court.

3. The suit is for partition. The suit is of the year 2014.

4. Having regard to the above, instead of condoning the delay in re-presenting, issuing notices with heavy costs, ordering notice in filing miscellaneous application and going into the merits of the matter of the temporary injunction, this Court feels to sub-serve the ends of justice that none of the observations in dismissal of the injunction order of the lower court in I.A.No.1189 of 2014, as per settled law, shall influence the mind of the trial court in deciding the suit and thereby, to dispose of the suit within six months from the

date of the order by taking up the trial if issues already framed, if not to frame issues within one week from the date of receipt of the order and take up the trial.

5. Accordingly and with the above directions, all the above three miscellaneous applications and the main appeal stands disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

17.11.2017
SS

DR.B.SIVA SANKARA RAO, J

