

HIGH COURT OF CHHATTISGARH, BILASPUR

MA No. 83 of 2017

Smt. A. Sunita Reddy W/o Shri A. Anji Reddy, Aged About 49 Years
Occupation House Wife, R/o 6-3-596/63/5, Second Floor, Naveen
Nagar, Banjara Hills, Hyderabad, Telangana - 500004 through Power
of Attorney Holder, Shri G. Narsimha Reddy, Aged 72 Years,
occupation Advocate, R/o 6-3596/77/10/03 A & B Banjara Hills,
Hyderabad, 500034, Telangana *Plaintiff.* **--- Appellant**

Versus

1. Shri P. Veera Reddy S/o Shri Shriniwas Raddy, Aged About 52 Years
Occupation Business, R/o Flat No. 812, Amalrd Towers, My Home
Jwel, Madinaguda, Hyderabad, Telangana - 500049. At Present
Residing In - P. Veera Raddy, M D. A. G. Bioteck Laboratories India
Limited Sy No. 226/ A Bachupally, Hydrabad P / N 500090,
Telangana , Telangana
2. K. Kishorbabu, S/o Subhash, Aged About 35 Years Occupation
Business, House No. 12 - 11 - 2011, Bramhan Basti, Barsiguda,
Sikandrabad, Telangana - 500061..... At Present Residing In - K.
Kishorbabu 12-11-2011, Gauri Diksha Brahaman Basti Warasiguda
Sitaphal Mandi, Secunderabad 500061, District : Hyderabad,
Telangana
3. State of Chhattisgarh through Collector Bemetara, Tahsil & District
Bemetara Chhattisgarh.....*Defendant.* **---- Respondents**

For the Appellant : Mr. Viprasen Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.11.2018

1. The instant appeal is against the order dated 31.07.2017
passed in Civil Suit No.2-A/2016 whereby the Additional
District Judge, Bemetara, has rejected the application filed
under Order 39 Rule 1 & 2 of CPC.
2. During the course of arguments, it is submitted that the
original suit itself has been dismissed for which an appeal
bearing F.A. No.607/2018 has been filed and as such this
appeal being in continuation of the suit, the same is

maintainable and the injunction order may be passed by allowing the appeal.

3. Perused the order dated 31.07.2017 which is passed on application under Order 39 Rule 1 & 2 of CPC. The main suit having been dismissed all the interim orders will merge into final order for which a First Appeal is stated to have been filed. Therefore by entertaining this appeal, the same cannot be revived as the interim orders have merged. The plaintiff shall be at liberty to move suitable application if so advised in the First Appeal. The finding of fact in the order do not require any interference, therefore, the appeal is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**