

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.1172 of 2018

Date: 30.11.2018

Between:

Pamulapati Pardeep
S/o.Omkar Murali,
Hindu, Aged 13 years,
Minor rep. by his mother
Pamulapati Swapna
W/o.Omkar Murali, Hindu
Aged 35 years, R/o.Plot No.4,
Ganesh Plaja, Siddardh Nagar,
Yusafguda, Hyderabad
and another

Appellants

And

Pamulapati Omkar Murali,
S/o.Late Venkataramaiah,
Hindu, Aged about 42 years,
Employee, Soma Enterprises Limited,
No.2, Avenue 4, Old Road No.10,
Near City Centre, Banjara Hills,
Hyderabad and another.

Respondents

Counsel for the Appellants : Mr. M.Radha Krishna

Counsel for the Respondents: Mr. K.Jyothi Prasad for R2

The Court made the following:

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

This civil miscellaneous appeal is filed against order dated 29.12.2017 in I.A.No.1075 of 2017 in O.S.No.75 of 2017 on the file of the XV Additional District Judge, Nuzvid.

2. We have heard Mr.M.Radha Krishna, learned counsel for the appellants and Mr.K.Jyothi Prasad, learned counsel for respondent No.2.

3. By the aforementioned order, the lower court while granting injunction against respondent No.1 from alienating item Nos.1, 3 and 4 of suit schedule properties, however, declined to grant injunction restraining respondent No.2 who purchased item No.2 from respondent No.1, from further alienation.

4. After hearing the learned counsel for both parties, we are of the opinion that the order of the lower court in declining to grant injunction against respondent No.2, does not suffer from any illegality, as even by the time the suit was filed by the appellants, respondent No.1 had sold the property to respondent No.2. Therefore, we do not find any merit in this appeal. However, it is needless to observe that any alienation that may be made by respondent No.2 in future, shall be subject to Section 52 of the Transfer of Property Act.

5. The civil miscellaneous appeal is, accordingly, dismissed.
6. As a sequel to the dismissal of the civil miscellaneous appeal, I.A.No.2 of 2018 is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 30th November, 2018

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