

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

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.Nos.730 and 737 of 2017

Date: 31.10.2018

Between:

K.Rajavardhan Reddy,
S/o.K.Ramachandra Reddy,
Aged about 42 years,
Occ: Business,
R/o.H.No.5-3-73, Flat No.4,
Sri Krishna Nagar,
Kukatpally,
Hyderabad.

...

Appellant

And

Magham Jagan Reddy,
S/o.M.Gopal Reddy,
Aged about 73 years,
Occ: Retired Employee,
R/o.Flat No.1, Block No.18,
HIG Phase II, Manasa Enclave,
Baghlingampally,
Hyderabad.

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Respondent

Counsel for the Appellant : Mr. O.Manohar Reddy

Counsel for the Respondent: Mr.D.Prakash Reddy for
Mr.Vijay Pissay

The Court made the following:

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

C.M.A.No.730 of 2017 is filed against order dated 02.03.2017 in I.A.No.946 of 2016 in O.S.No.1357 of 2016 on the file of the III Additional District Judge, Ranga Reddy district at L.B. Nagar. C.M.A.No.737 of 2017 is filed against order of even date in I.A.No.945 of 2016 against the same suit in which I.A.No.946 of 2016 was filed.

2. We have heard Mr.O.Manohar Reddy, learned counsel for the appellant and Mr.D.Prakash Reddy, learned senior counsel for the respondent, who are common in both the appeals.

3. The respondent has filed O.S.No.1357 of 2016 on the file of the III Additional District Judge, Ranga Reddy district at L.B. Nagar, for declaration of his title and permanent injunction, restraining the appellant from interfering with his peaceful possession of the suit schedule property. Along with the suit, he has filed I.A.No.945 of 2016, seeking an *ad interim* injunction, restraining the appellant from alienating, encumbering, transferring or conveying the petition schedule property to third parties and I.A.No.946 of 2016 for an *ad interim* injunction, restraining the appellant from interfering with his peaceful possession and enjoyment of the petition schedule property. Both the applications were allowed by the lower court on the same day by separate orders.

4. During the hearing, it is brought to the notice of the court that the petition schedule property is a vacant site with a small structure bearing D.No.8-13/43 and that it is not being put to utilization in any manner. It is also stated before us that the trial in the suit has already been commenced, with the appointment of an Advocate Commissioner for recording evidence and that the trial stands posted to 12.11.2018.

5. In these facts and circumstances of the case, we are of the opinion that the order of injunction may not in any manner affect the interests of the appellant. However, the respondent in the guise of the order of injunction, shall not meddle with the property in any manner and he should allow the property to remain in the same position as it exists as on today. As regards the injunction granted in I.A.No.945 of 2016, as the respondent claimed relief of declaration of his title and permanent injunction in the suit, alienating the suit schedule property pending the suit, would create third party interests. Therefore, we do not find any illegality in the order of the lower court granting injunction in I.A.No.945 of 2016.

6. In the premises as above, C.M.A.No.730 of 2017 is disposed of, subject to the observations and directions made herein before and C.M.A.No.737 of 2017 is dismissed.

7. As a sequel to the disposal of the civil miscellaneous appeals, I.A.No.1 of 2017 (C.M.A.M.P.No.1222 of 2017) in C.M.A.No.730 of 2017 and I.A.No.1 of 2017 (C.M.A.M.P.No.1231 of 2017) in C.M.A.No.737 of 2017 stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 31st October, 2018

msb



