

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

C.M.A.No.471 of 2018

Date: 14.08.2018

Between:

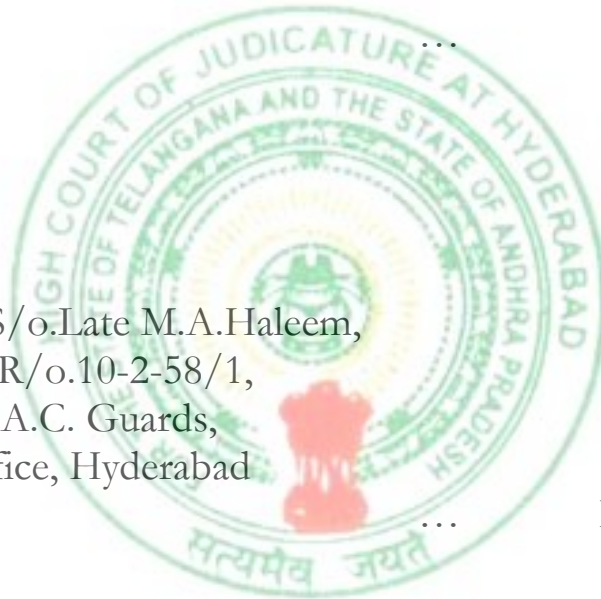
Smt.Fatima Begum,
W/o.Late Mohd. Abdul Azeem,
Aged 62 years, R/o.Apartment 5 B,
44-21, Macnish Street,
Elmurst, New York 11373 U.S.A.
and another

Appellants

And

M.A.Nayeem, S/o.Late M.A.Haleem,
Aged 77 years, R/o.10-2-58/1,
Fouzia Manzil, A.C. Guards,
Opp. DGP Office, Hyderabad
and 12 others

Respondents



Counsel for the Appellants : Mr. K.K.Waghray

Counsel for the Respondents: Mr.S.R.Mahajir for R12

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 09.02.2018 in I.A.No.433 of 2016 in O.S.No.156 of 2006 on the file of XXV Additional Chief Judge, City Civil Court, Hyderabad, whereby she has dismissed the said I.A. filed by the appellants for temporary injunction, restraining the respondents from alienating in any manner, the petition schedule property in favour of third parties, pending the suit.

2. On 13.08.2018, we have heard this case in part. On the opinion expressed by this court that the appellants appear to have a *prima facie* case, their interests need to be protected in the event of their success in the suit, Mr.S.R.Mahajir, learned counsel for respondent No.12/defendant No.12, requested for a day's adjournment and, accordingly, the case has been adjourned to today. Respondent No.12 has today filed Memo. of form of security vide U.S.R.No.60047, wherein on its behalf, Mr.Irshad Hussain, its Managing partner, signed the said form of security. It is stated therein that the Managing partner for himself and as partner of respondent No.12, has voluntarily become surety and shall produce at the disposal of the court, when required to satisfy the decree that may be passed in O.S.No.156 of 2016 on the file of XXV Additional Chief Judge, City Civil Court, Hyderabad, the property specified in the schedule. The Office Flat No.105, Orange Block, 1st floor, My Home Rainbow

Apartments, 8-1-329/1, Shaikpet, Hyderabad-500008, admeasuring about 1183 sq.yds or 109.9 sq.mtrs with undivided share of land of 49.50 sq,yds or 41.39 sq.mtrs with the boundaries shown therein, whose market value is shown as Rs.38,09,260/-., is included in the schedule.

3. Mr.K.K.Waghray, learned counsel for the appellants submitted that the surety given by respondent No.12 would satisfy the requirement of his clients. The surety is accordingly placed on record and as the appellants interests are adequately safeguarded, we are not inclined to interfere with the order of the lower court.

4. The C.M.A. accordingly stands disposed of.

5. As a sequel to the disposal of the C.M.A., I.A.Nos.1 and 2 of 2018 stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad,J)

Date: 14th August, 2018

msb

