

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

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.416 of 2016

Date: 14.11.2018

Between:

N.Nandu,
S/o.N.Ramesh,
Aged about 44 years,
Occ: Business,
R/o.H.No.18-6-1134,
Outside Goulipura,
Hyderabad.

Appellant

And

Sri H.B.Siddilingam,
S/o.Ramana
Aged about 68 years,
Occ: Business,
R/o.H.No.11-3-664/426,
Sanjeeva Puram,
Parasigutta,
Hyderabad – 500048
and seven others.

Respondents

Counsel for the Appellant : ----

Counsel for the Respondents: Mr.Pranay Samini for
Mr.Kishore Rai

The Court made the following:

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

The plaintiff in O.S.No.283 of 2015 filed this civil miscellaneous appeal, feeling aggrieved by dismissal of I.A.No.285 of 2015 on the file of the XI Additional Chief Judge, City Civil courts, Hyderabad, filed for injunction, restraining the respondents from alienating the suit schedule property, pending the suit.

2. At the hearing, there is no representation for the appellant. However, we have heard the learned counsel for the respondents.

3. The learned counsel for the respondents submitted that in pursuance of order dated 23.11.2016 of this Court, respondent No.1 has filed an undertaking affidavit. A perusal of the said affidavit shows that neither himself nor his children, were interested in alienating or creating any third party interests over the suit schedule property and that respondent Nos.1 to 7 would not alienate or create third party interests over the suit schedule property, pending disposal of the suit. With the filing of the undertaking affidavit by respondent Nos. 1 to 7 as referred to above, the purpose for which the appellant has filed I.A.No.285 of 2015 before the lower court and the present C.M.A. before this court, stood served. Therefore, the civil miscellaneous appeal is disposed of, with a direction that the undertaking affidavit filed by respondent Nos.1 to 7, shall form part of this order.

4. As a sequel to the disposal of the writ petition, I.A.No.1 of 2016 (C.M.A.M.P.No.819 of 2016) stands disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 14th November, 2018

msb



