

THE HON'BLE JUSTICE SRI T. SUNIL CHOWDARY

CIVIL MISCELLANEOUS APPEAL No.763 of 2018

JUDGMENT:

This Civil Miscellaneous Appeal is filed under Order 43 Rule 1 of CPC assailing the Order dt. 26.04.2018 passed in I.A.No.1046 of 2016 in O.S.No.328 of 2016 on the file of the Senior Civil Judge at Khammam.

02. At the time of argument, both the counsel submitted that both parties have filed number of documents in I.A.No.1046 of 2016 to substantiate their respective stands. The grievance of both the Counsel is that the trial Court has not marked the documents filed by both the parties.

03. It is needless to say while deciding an interlocutory application, the Court has to mark the documents filed by both the parties. For one reason or the other, the trial Court has not marked the documents filed by both the parties. In view of the submissions made by the learned counsel for both the parties, the impugned Order is not sustainable.

04. Having regard to the facts and circumstances of the case, the Order dt. 26.04.2018 passed in I.A.No.1046 of 2016 in O.S.No.328 of 2016 on the file of the Senior Civil Judge at Khammam, is hereby set aside.

05. Accordingly, this Civil Miscellaneous Appeal is allowed setting aside the Order dt. 26.04.2018 in I.A.No.1046 of 2016 in O.S.No.328 of 2016 passed by the Senior Civil Judge at

Khammam. The trial Court is directed to mark the documents filed by both the parties and dispose of I.A.No.1046 of 2016 on merits as expeditiously as possible and till disposal of I.A.No.1046 of 2016 in O.S.No.328 of 2016, both parties are directed to maintain *status quo* without making any constructions.

T.SUNIL CHOWDARY, J.

Date: 30.8.2018
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DT.30.08.2018

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