

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

C.M.A.Nos.840 and 842 of 2018

Date:23.08.2018

Between.

Jabeen Bano,

D/o Late Dr. Ahsan Qureshi

.....Appellant

And.

Mohd. Ajaz Habeeb Qureshi,

S/o Late Dr. Mohd. Ahsan Qureshi

and another.

....Respondents

Counsel for the appellant: Ms. Vladimeer Khatoon

The Court made the following:

COMMON JUDGMENT: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

These two Civil Miscellaneous Appeals are wholly misconceived for the reason that no order prejudicial to the interests of the appellant, who is yet to be impleaded in O.S.No.852 of 2017 filed by respondent No.1 seeking partition against the brother of the appellant-respondent No.2 in respect of the suit schedule properties, was passed.

While in I.A.No.1550 of 2017, the Court below has declined to grant injunction claimed by respondent No.1-plaintiff against respondent No.2-defendant from alienating, mortgaging, etc of the suit schedule property, in I.A.No.1552 of 2017, the Court below has granted injunction in favour of respondent No.1-plaintiff against respondent No.2-defendant from interfering with the former drawing water from the bore-well.

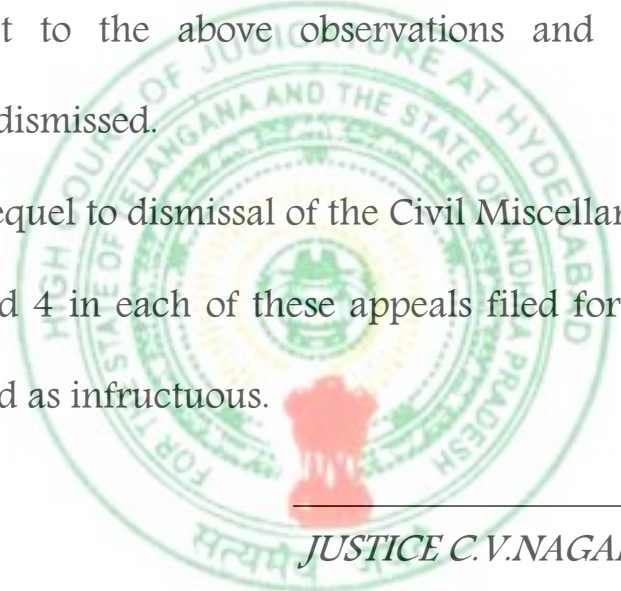
The appellant claims that being the sister of respondent No.1-plaintiff and respondent No.2-defendant, she also has a share in the suit schedule property and that her application for impleadment as a defendant in O.S.No.852 of 2017 is pending before the Court below.

In our opinion, the appellant, not being a party to the afore-mentioned suit so far, cannot claim to have suffered any

prejudice on account of the afore-mentioned orders passed by the Court below. If the appellant asserts her right over any part of the suit schedule property, she is entitled to file appropriate applications before the Court below in the event of her impleadment in the said suit and in such event, the Court below shall consider those applications independently without being guided by the orders passed by it, which are subject matter of these appeals.

Subject to the above observations and direction, the appeals are dismissed.

As a sequel to dismissal of the Civil Miscellaneous Appeals, I.A.Nos.3 and 4 in each of these appeals filed for interim relief are dismissed as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

23rd August, 2018

DR