

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

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.474 of 2016

Date: 14.11.2018

Between:

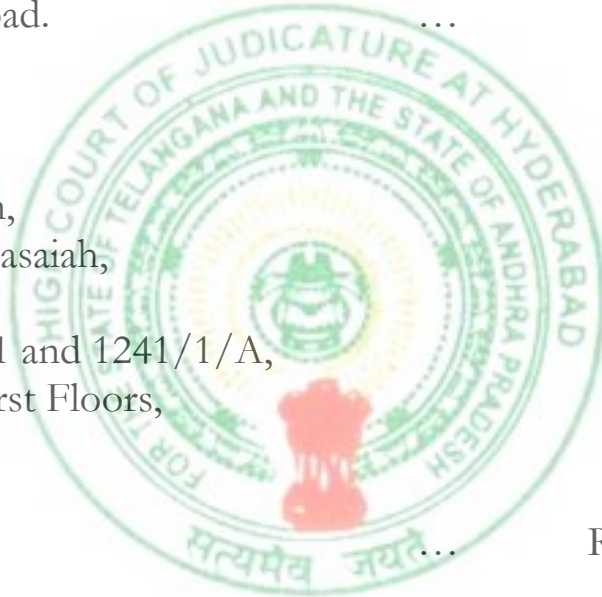
Smt.Padma Vijayan,
D/o.Late Madhavan Pillai,
Aged 62 years, R/o.Plot No.19,
Nandanam, Palle Enclave,
ECIL, Hyderabad.

...

Appellant

And

Bollam Laxman,
S/o.Late B.Narasaiah,
Aged 39 years,
R/o.12-13-1241 and 1241/1/A,
Ground and First Floors,
Street No.8,
Tarnaka,
Secunderabad.



Respondent

Counsel for the Appellant : Mr.D.Srinivas Prasad

Counsel for the Respondent: Mr.M.Venkat Ram Reddy

The Court made the following:

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

This civil miscellaneous appeal arises out of order of injunction, restraining the appellant from alienating the suit schedule property in the suit filed by the respondent for specific performance of agreement of sale.

2. Mr.D.Srinivas Prasad, learned counsel for the appellant fairly submitted that though his client was able to secure the injunction order as far back as 09.11.2016, she has neither alienated the property nor she intends to do so, pending the suit. He however, objected to certain findings rendered by the lower court with regard to the insufficient stamp duty paid by the respondent on the agreement of sale, which contains the recital of delivery of possession.

3. Inasmuch as the appellant is not intending to sell the suit property pending the suit, it is wholly unnecessary for this court to adjudicate the appeal on merits, as injunction granted by the lower court would not affect the appellant's interests. Therefore, without deciding the appeal on merits, the same is disposed of, with a direction to the lower court not to be influenced by the observations made by the lower court in favour of either party, while disposing of the suit.

4. As a sequel to the disposal of the writ petition,
C.M.A.M.P.No.923 of 2016 and I.A.No.2 of 2016
(C.M.A.M.P.No.2011 of 2016) stands disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 14th November, 2018

msb



