

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

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.1114 of 2018

Date: 29.11.2018

Between:

Dr.Mojjada Dhanunjaya Rao,
S/o.Late Mojjada Appanna,
Hindu, Aged about 39 years,
Practicing Pulmonologist,
(Chest Physician), Assistant Professor,
RIMS, Srikakulam
R/o.House bearing Door No.7-3-17/4B,
Opp. ACB Office, Gonti Street,
Near Saraswathi Theatre,
Srikakulam district – 532001.

Appellant

And

Sri Mojjada Ramakrishna,
S/o.Late Mojjada Appanna,
Hindu, Aged 59 years,
1st Additional District and Sessions Judge,
R/o.Door No.15/560-2A,
1st ADJ Quarters,
Edepalli, Machilipatnam
and eight others.

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Respondents

Counsel for the Appellant : Mr. K.V.Raghuveer

Counsel for the Respondents: ---

The Court made the following:

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

At the interlocutory stage, the main appeal itself is being heard and disposed of.

2. The appellant has filed O.S.No.208 of 2017, for partition and separate possession of his share in the suit schedule property. In the said suit, he has filed I.A.No.364 of 2017, for an injunction, restraining the respondents from changing the features of the petition schedule property, pending the suit. On consideration of the elements of *prima facie* case, balance of convenience and irreparable injury, the lower court has dismissed the said application.

3. After hearing Mr.K.V. Raghuveer, learned counsel for the appellant, we are satisfied that no prejudice will be caused to the interests of the appellant, even if the suit schedule property is developed pending the suit, as such development will enure to the benefit of the appellant also.

4. In this view of the matter, we do not find any merit in this appeal and the same is, accordingly, dismissed.

5. As a sequel to the dismissal of the civil miscellaneous appeal, I.A.No.1 of 2018 is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 29th November, 2018

msb

