

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

C.C.C.A.NO.221 OF 2016

JUDGMENT:-

Both the learned counsel are present. The Appeal is filed against the judgment and decree, dated 30-08-2016, passed in O.S.No.605 of 2010 on the file of the Court of XXIV Additional Chief Judge, City Civil Court, Hyderabad. The suit is filed for a permanent injunction restraining the defendant from interfering or dispossessing the plaintiff over the suit schedule property. The apprehension of the appellant is that they will be evicted by force. As the suit was dismissed, the present Appeal is filed.

Both the learned counsel state that a proper suit, O.S.No.69 of 2017, for eviction has been filed before the III Additional Chief Judge, City Civil Court, Hyderabad and that this appeal can be disposed off. The learned counsel for the respondent, in all fairness, submits that they will not forcibly evict the appellant and that as the suit for eviction has already been filed, they will abide by the orders of the said court (subject to their right of appeal). The learned counsel for the

appellant also has no objection for this appeal being disposed off.

The learned counsel for the appellant wants that the suit for eviction O.S.NO.69 of 2017 to be disposed of without in any way being influenced by any of the findings in the suit O.S.No.605 of 2010.

This court, after hearing the both learned counsel, is of the opinion that the court below can enquire into and dispose of O.S.No.69 of 2017 on its own merits without being influenced by any of the findings in O.S.No.605 of 2010.

Accordingly, with the above observations, the Appeal is disposed of. No costs. Miscellaneous Petitions pending, if any, shall stand closed in consequence.

27-09-2018
TSNR

D.V.S.S.SOMAYAJULU,J