

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD
CIVIL MISCELLANEOUS APPEAL No.1032 of 2018

DATE: 12-10-2018

Between:

M/s.Goldfish Abode Pvt.Ltd,
Hyderabad

..... APPELLANT

AND

Md.Ali Khan and 61 others

.....RESPONDENTS

COUNSEL FOR THE APPELLANT : Sri PRABHAKAR PERI

COUNSEL FOR RESPONDENTS : NONE APPEARED



THE COURT MADE THE FOLLOWING:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD
CIVIL MISCELLANEOUS APPEAL No.1032 of 2018

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

This Civil Miscellaneous Appeal is filed against the order, dated 30.06.2018, in I.A.No.352 of 2018 in I.A.No.655 of 2017 in O.S.No.859 of 2017, on the file of the VIII Additional District & Sessions Judge, Ranga Reddy District at L.B.Nagar.

After hearing Mr.P.Prabhakar, learned counsel for the appellant, and perusing the record, we are of the opinion that the Court below has failed to follow the proper procedure. It has passed orders in I.A.No.352 of 2018 filed by the appellant for vacating the interim order of *status quo* granted in I.A.No.655 of 2017 without disposing of the latter application itself.

Mr.P.Prabhakar, learned counsel, submitted that as the plaintiffs have impleaded many parties as the defendants to the suit and respondents to I.A.No.655 of 2017, and as the plaintiffs are not coming forward to effect service against all the respondents, it is not possible for the court below to dispose of I.A.No.655 of 2017. If this submission of the learned counsel is correct, the appellant is permitted to file an application seeking permission to send notices to the unserved respondents in I.A.No.655 of 2017 through substituted service. If such application is filed, the court below shall allow the same. Within one month of publication of such notice through substituted service, the court below shall dispose of I.A.No.655 of 2017 after hearing such of those parties who entered appearance. While disposing of I.A.No.655 of 2017,

the court below shall not be guided by the reasons mentioned in the order under appeal.

The Registry is directed to return the documents filed along with I.A.No.2 of 2018 to enable the appellant to file the same before the court below.

The Civil Miscellaneous Appeal is accordingly disposed of. No order as to costs.

As a sequel to disposal of the civil miscellaneous appeal, I.A.No.1 of 2018 filed for interim relief and I.A.No.2 of 2018 filed for permission to place on record some documents, shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

T.AMARNATH GOUD,J

Date: 12.10.2018
Dsr

