

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice T.Amarnath Goud

CMA.No.1171 of 2018

Date: 26.11.2018

Between:

Boini Sathaiah and 2 others

....Appellants

And:

Boini Peddulu and 8 others

....Respondents

Counsel for the Appellants: Mr.P.Venkat Reddy

The Court made the following:



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

This Civil Miscellaneous Appeal (CMA) is filed against Order and Decree, dated 26-07-2018, in IA.No.1418 of 2015 in OS.No.182 of 2014 on the file of the Principal District Judge, Medak at Sangareddy.

It is not in dispute that in IA.No.1973 of 2014 filed by the appellants in the aforementioned suit filed by them for partition, the Court below *vide* Order, dated 26-07-2018, granted injunction in their favour restraining the respondents from alienating or creating any charge over the suit schedule property in favour of third parties. Not satisfied with the said relief, the appellants have filed another application *viz.*, IA.No.1418 of 2015, seeking injunction restraining the respondents from making any excavations, levelling, digging pits and making constructions over the suit schedule property, which was dismissed.

As rightly pointed out by the lower Court, by granting injunction against the respondents from alienating or creating any charge over the suit schedule property, the interests of the appellants were fully protected and if the injunction, as sought in IA.No.1418 of 2015, is granted, that would certainly affect the interests of the respondents, who intended to develop the property. Even in the event of success by the appellants, mere development of the property would not prejudice their interests. On the

contrary, the same may be advantageous to them. Therefore, we perceive the attempt of the appellants to restrain the respondents from even developing the land as lacking *bona fides* and vexatious.

Hence, the CMA is dismissed.

As a sequel to dismissal of the CMA, IA.No.1 of 2018, filed by the appellants for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 26th November, 2018
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(T.Amarnath Goud, J)

