

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL REVISION PETITION NOS.946, 947 AND 948 OF 2019
AND
CIVIL MISCELLANEOUS APPEAL NO.270 OF 2019

COMMON JUDGMENT
(*Per Hon'ble Sri Justice Sanjay Kumar*)

These cases seek to call in question the Docket Orders dated 16.03.2019 passed by the learned XII Additional Chief Judge, City Civil Court, Secunderabad, in I.A.Nos.245 and 246 of 2019 in O.S.No.57 of 2019 and I.A.Nos.250 and 251 of 2019 in O.S.No.56 of 2019. The said I.As. were filed by the plaintiffs in the suits seeking ad interim injunctions in relation to certain shares owned by Manish Agarwal Benefit Trust, the first defendant in O.S.No.56 of 2019, and Dhruv Agarwal Benefit Trust, the first defendant in O.S.No.57 of 2019. By the Docket Orders dated 16.03.2019, the trial Court opined that there was no urgency in the matters to consider the request of the petitioners in the I.As. without hearing the other side and concluded that these were not fit cases to pass *ex parte* ad interim injunctions. The trial Court accordingly adjourned the matters while issuing urgent notice to the respondents. The matters were directed to be called on 29.03.2019.

Sri R.Raghunandan, learned senior counsel appearing for Sri Mayur Mundra, learned counsel for the petitioners in C.R.P.Nos.946, 947 and 948 of 2019 and the appellant in C.M.A.No.270 of 2019, would inform this Court that owing to the delay on the part of the trial Court in considering the injunction applications, some of the shares in question have already been transferred and that there is grave urgency for the matters to be taken up and heard on merits.

Though notice was not ordered in any of these cases, some of the respondents have chosen to engage learned counsel, perhaps having heard of the institution of these cases.

The learned Advocate General for the State of Telangana appears for the Trusts and the trustees thereof who are shown as respondents 2 to 4 in these cases. Sri A.Venkatesh, learned counsel, states that he is instructed to appear for respondents 15 to 18 in whose favour some of the shares have been pledged. Similarly, M/s. Pearl Law Associates appears for respondent 22, another pledgee of some shares.

We are informed that the trial Court, having taken up the matters on 29.03.2019, adjourned the I.As. to 17.04.2019 for hearing.

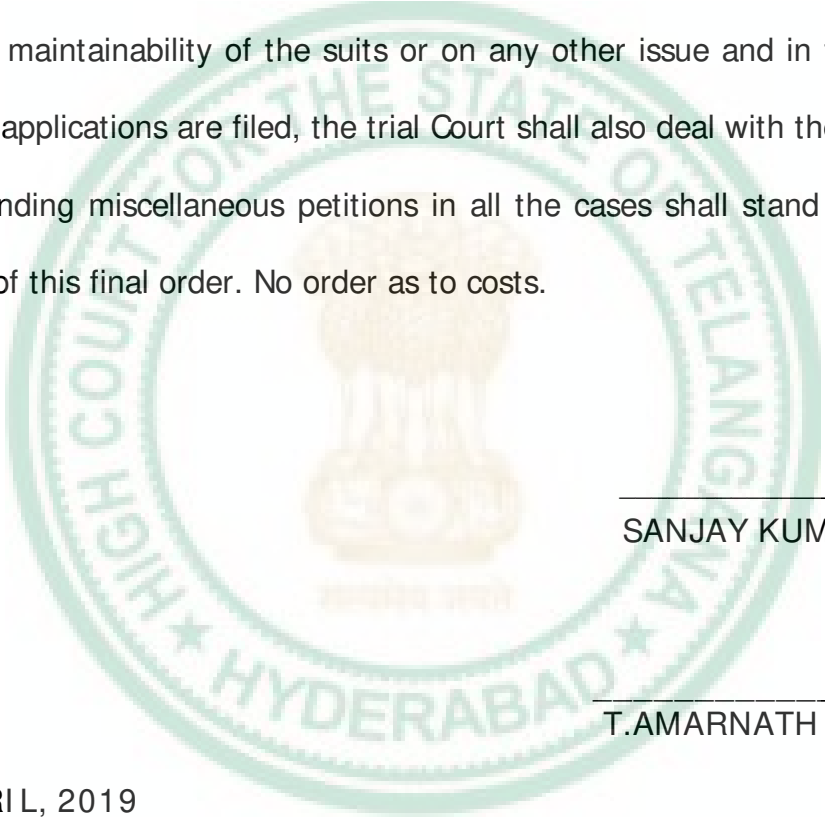
As the trial Court is yet to apply its mind to the injunction applications filed by the petitioners in the CRPs and the appellant in the CMA, it would be premature for this Court to enter into the merits of the matter or venture any opinion thereon. It is for the parties to first seek adjudication of the I.As. before the trial Court and thereafter come before this Court by way of an appropriate proceeding.

The learned Advocate General, in all fairness, submitted that his clients undertake not to deal with the free-hold shares that were held by the Trusts as on 12.04.2019 pending disposal of the I.As. The said undertaking is taken on record.

As the I.As. are stated to be posted on 17.04.2019 and Sri R.Raghuveer, learned senior counsel, would plead grave urgency, we are of the opinion that it would suffice at this stage if the trial Court is directed to take up the subject I.As. on an earlier date, upon suitable advancement applications being filed by the revision petitioners and the appellant.

The Civil Revision Petitions and the Civil Miscellaneous Appeal are accordingly disposed of permitting the revision petitioners and the appellant to move advancement petitions before the trial Court seeking hearing of the subject I.As. on 15.04.2019 itself. In the event such applications are moved, the trial Court shall take up the subject I.As. for hearing on their own merits and in accordance with law and pass appropriate orders thereon expeditiously and preferably within two weeks from today. It is also made clear that the respondents in these cases, the defendants in the said suits, are at liberty to move applications before the trial Court, if they so choose, as to the maintainability of the suits or on any other issue and in the event any such applications are filed, the trial Court shall also deal with the same.

Pending miscellaneous petitions in all the cases shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR, J

T.AMARNATH GOUD, J

12th APRIL, 2019

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