

**THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO
AND
THE HONOURABLE SRI JUSTICE T. VINOD KUMAR**

CMA No.799 OF 2019

JUDGMENT: (Per Hon'ble Sri Justice M.S. Ramachandra Rao)

This Civil Miscellaneous Appeal is filed challenging the order dt.02.05.2019 in I.A. No.799 of 2019 in O.S. No.537 of 2018 of the II Additional District Judge, Ranga Reddy District at L.B. Nagar.

2. The Court below had rejected the plaint in the said suit by an order passed in I.A. No.108 of 2019, and as a consequence of the said order dismissed I.A. No.799 of 2019 filed by the appellant under Order XXXIX Rule 1 and 2 CPC restraining the respondent from changing the nature of the suit schedule property by making constructions therein.

3. By a separate order passed in A.S. No.454 of 2019 filed by the appellant challenging the judgment and decree dt.02.05.2019 in I.A. No.108 of 2019 in O.S. No.537 of 2018, the said judgment and decree have been set aside, and the matter was remanded to the Court of the II Additional District Judge, Ranga Reddy District at L.B. Nagar for fresh consideration.

4. Therefore, this appeal is also allowed; order dt.02.05.2019 in I.A. No.799 of 2019 in O.S. No.537 of 2018 is also set aside; the said I.A. is also remanded back to the II Additional District Judge, Ranga Reddy District for fresh consideration; and pending disposal of the

said I.A., there shall be an injunction restraining the respondents from changing the nature of the suit schedule property or making constructions therein. No costs.

5. As a sequel, miscellaneous petitions pending if any in these Revisions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

JUSTICE T. VINOD KUMAR

Date: 01-10-2019

MRKR

