

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL MISCELLANEOUS APPEAL No.351 of 2017

JUDGMENT:

This civil miscellaneous appeal is filed under Order XLIII Rule 1 of CPC, by the appellant herein/defendant No.8 aggrieved by the order dated 06.02.2017 passed in I.A.No.1002 of 2016 in O.S.No.1736 of 2016 by the learned VII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, wherein the application filed by the respondent No.1 herein/plaintiff under Order XXXIX Rule 1 and 2 CPC seeking to grant temporary injunction restraining the appellant herein/defendant No.8 from alienating the suit schedule property during the pendency of the suit, was allowed.

2) Heard the learned counsel for the appellant, learned counsel for the respondent No.1 and perused the record.

3) In the course of submissions made by both sides, it is brought to the notice of this Court that without marking any document, the Court below passed the impugned order. On perusal of the impugned order dated 06.02.2017 reveals that none of the parties to the impugned I.A have got marked documents. It is also submitted before this Court that few documents which are filed on record, are required to be marked in the impugned I.A.

4) Under these circumstances, the impugned order dated 06.02.2017 passed in I.A.No.1002 of 2016 in O.S.No.1736 of

2016 by the Court below, is set aside and the I.A.No.1002 of 2016 is restored to the file of the Court below. The Court below is directed to receive the documents and after hearing both sides, dispose of the said I.A.No.1002 of 2016 in accordance with law.

5) With the above observations, this Civil Miscellaneous Appeal is disposed of. No costs.

Miscellaneous petitions pending if any, shall stand closed.

Date: 25.09.2019
scs

Dr. SHAMEEM AKTHER, J

