

**HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO
AND
HONOURABLE SRI JUSTICE T.AMARNATH GOUD**

CIVIL MISCELLANEOUS APPEAL NO.18 OF 2020

J U D G M E N T

(Per Honourable Sri Justice M.S.Ramachandra Rao)

Heard the counsel for the appellant and the counsel for the respondent.

2. The impugned order is an order passed on 04.12.2019 in AOP No.621 of 2019 by the II Additional District Judge, Ranga Reddy District at L.B.Nagar granting an *ex parte* interim temporary injunction restraining the appellant from alienating the 'A' and 'B' schedule properties till 27.12.2019 invoking power under Section 9 of the Arbitration and Conciliation Act, 1996 (for brevity, 'the Act').

3. It is settled law that principles relating to Order XXXIX Rules 1 and 2 CPC apply to applications under Section 9 of the Act and one of the said principles is that if an *ex parte* injunction is to be granted in exercise of power under Order XXXIX Rules 1 and 2 CPC, it is mandatory to assign reasons. In the absence of such reasons, the said order cannot be sustained. (**See Shiv Kumar Chadha Vs. Municipal Corporation of Delhi and others¹**).

4. Accordingly, the CMA is allowed since no reasons are assigned in the order passed by the Court below granting interim temporary

¹ (1993) 3 SCC 161

injunction in exercise of power under Section 9 of the Act; and the order dt.04.12.2019 in AOP No.621 of 2019 is set aside; and the matter is remitted back to the Court below to pass a fresh reasoned order after considering the contentions of the appellant as well as the respondent within two weeks from the date of receipt of a copy of this order. No costs.

5. Pending miscellaneous petitions, if any, in this CMA shall stand closed.

A large, faint, circular watermark seal of the High Court for the State of Telangana, Hyderabad, is centered in the background. It features the text "HIGH COURT FOR THE STATE OF TELANGANA" around the top and "HYDERABAD" around the bottom, separated by two stars. In the center of the seal is the State Emblem of India, which is a Lion Capital of Ashoka.

M.S.RAMACHANDRA RAO, J

T.AMARNATH GOUD, J

5th FEBRUARY, 2020

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