

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL MISCELLANEOUS APPEAL No.77 of 2020

JUDGMENT:

Civil Miscellaneous Appeal, under Order XLIII Rule 1 read with 151 of the Code of Civil Procedure, 1908, is filed by the appellant/defendants aggrieved by the docket order, dated 21.01.2020, passed in I.A.No.35 of 2020 in O.S.No.8 of 2020 by the Principal Senior Civil Judge, Warangal, wherein the subject application filed Section XXXIX Rules 1 and 2 C.P.C. to grant ad-interim order restraining the respondent/defendants, their agents, workmen or any persons acting on their behalf etc. from interfering with the petitioners/caveators peaceful possession and enjoyment over the suit schedule property, the Court below granted *ex parte ad-interim* order and posted for the matter to 12.02.2020.

2. Heard the learned counsel for the appellants/defendants, learned counsel for the respondents/plaintiffs and perused the record.

3. As seen from the record, the *ex parte ad-interim* order was passed without issuing notice to the petitioners/caveators, so the same is not sustainable in law. Therefore, the impugned docket order, dated 21.01.2020, is liable to be set aside.

4. Accordingly, the Civil Miscellaneous Appeal is allowed setting aside the docket order, dated 21.01.2020, passed in I.A.No.35 of 2020 in O.S.No.8 of 2020 by the Principal Senior Civil Judge, Warangal. The Court below is directed to dispose of

the subject I.A.No.35 of 2020 afresh within a period of fifteen (15) days from today. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

Dr. SHAMEEM AKTHER, J

24th February, 2020

Note:

Furnish C.C.today.

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Date:24.02.2020

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