

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

Civil Miscellaneous Appeal Nos.58 and 107 of 2018

COMMON JUDGMENT: (Per Hon'ble Dr.Justice Shameem Akther)

Since both these appeals arise out of a common order and since parties to the litigation in both these appeals are one and the same, both these appeals are taken up together and are being disposed of by way of this common judgment.

2. Both these appeals, under Order XLI Rule 1 of CPC, are filed by the appellants/defendant No.1, challenging the common order, dated 14.11.2017, passed in I.A.Nos.124 and 295 of 2014 in O.S.No.976 of 2013, by the XXIV Additional Chief Judge, City Civil Court, Hyderabad, whereby, the subject I.A.No.124 of 2014 filed by the respondent No.1/plaintiff under Order XXXIX Rule 1 and 2 of CPC praying the Court below to grant ad-interim *ex parte* injunction, restraining the respondents therein/defendants and their henchmen from interfering with the peaceful possession of the properties of the plaintiff; and the subject I.A.No.295 of 2014 filed by the respondent No.1/plaintiff under Order XXXIX Rule 1 and 2 of CPC praying the Court below to grant injunction restraining

the respondent therein and their henchmen from interfering in bore works and not to threaten bore well workers and create any nuisance during digging of bore well, were allowed.

3. We have heard the submissions of Sri P.Mahesh Babu, learned counsel appearing for the appellants in both these appeals, Sri N.Harinath, learned counsel for respondents in both these appeals and perused the record.

4. As seen from the material placed on record, the subject suit in O.S.No.976 of 2013 is filed by the appellants/plaintiff for declaration of title and permanent injunction. The said suit is of the year 2013. By this time, the Court below ought to have disposed of the subject suit. It did not do so. The case status information in relation to the subject suit reveals that applications for amendment are pending consideration before the Court below. Therefore it is not appropriate to express any opinion on the merits of the subject applications. Under these circumstances, we are of the considered opinion that if a direction is given to the Court below to dispose of the subject suit in O.S.No.976 of 2013 expeditiously, the same would sub-serve the ends of justice.

5. Accordingly, the learned XXIV Additional Chief Judge, City Civil Court, Hyderabad, is directed to dispose of the subject suit in O.S.No.976 of 2013, pending on its file, within a period of six (6) months from today.

6. With the above direction, both the appeals are disposed of.

Miscellaneous petitions, if any, pending in both these appeals, shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

NAGESH BHEEMAPAKA, J

24th November, 2022
DSU / BVV