

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
AND
HON'BLE SRI JUSTICE M.LAXMAN**

CMA Nos. 69, 71 and 72 of 2022

COMMON ORDER: *(per Justice A.Rajasheker Reddy)*

These appeals are filed against the order dt.11.06.2019 in IA.No.1276 of 2017 in OS.No.1141 of 2017 passed by the V Additional District and Sessions Judge-cum-Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar wherein and whereby the trial Court granted injunction in favour of the respondents 1 to 4/plaintiffs.

Learned Counsel for the appellants submits that the impugned order passed by the trial Court is bereft of reasons; that the trial Court has not gone into the factual aspects while coming to conclusion that respondents 1 to 4/plaintiffs have *prima facie* case, balance of convenience and irreparable loss in their favour, except using the nomenclature for grant of interim injunction; and that the trial Court has not gone into the documents and no appendix of evidence is recorded in the impugned order which is also in violation of Civil Rules of Practice. He also submits that though the documents referred to in the impugned order, i.e. in Ex.P2-translation copy of Document No.285 of 1346 FASLI Absolute Sale Deed (filed at page 72-C of the affidavit), the extent of subject property is shown as Ac.10.31 guntas, situated at Bagath village, Himayathnagar. In Ex.P4-Encumbrance Certificate (filed at page 74 of the affidavit), the extent of subject property is shown as Ac.2.31 guntas, situated at Hayathnagar, but the injunction sought for by the respondents 1 to 4/plaintiffs is in respect of 159 acres, falling in two different villages. He further

submits that there is no co-relation between the documents and pleadings and that the trial Court without any application of mind and without considering the principles for grant of injunction, allowed the application and the same needs to be set aside.

Heard learned counsel for respondents 1 to 4/plaintiffs who sought time but could not justify the impugned order. He submits that the respondents 1 to 4/plaintiffs have merits and they will file necessary documents and counter affidavit in support of the impugned order.

It is to be seen that a reading of the impugned order goes to show that it is a non speaking order. Without giving any reasons, the impugned order is passed only on the ground that there is no dispute from the other respondents in the suit. The allegation is that it is a collusive suit. The document filed at page 72-C of the affidavit pertains to the land to an extent of Acres 10.31 guntas at survey No.96, Bagath Hayathnagar village and the Encumbrance Certificate filed at page 74 of the affidavit pertains to the land to an extent of Ac.2.31 guntas situated at Hayathnagar, which goes to show that there is no application of mind by the Court below in granting injunction. The court below granted injunction against the Sub Registrar and District Registrar directing them not to register any document without granting any injunction against the unofficial respondents in the interlocutory applications.

In view of the above factors, even if time is granted to the respondents for filing counter, they cannot supplement the reasons by way of counter affidavit when the order is bereft of reasons. In view of the same, no purpose will be served in granting time to the

respondent for filing counter. Learned counsel for the petitioners also submits that they have purchased small plots out of the subject property through registered sale deeds long back and apartments have also come up. These aspects needs to be considered by the trial Court. But, however, there is no reflection of said aspects in the impugned order, that too while granting injunction to the extent of 159 acres in two villages.

In view of the above facts and circumstances, the impugned order needs to be set aside and accordingly set aside. The Court below is directed to dispose of the said application, afresh, on merits after giving opportunity of hearing to all the effected parties. However, any observations made herein are only for the purpose of deciding the interlocutory application.

Accordingly, these appeals are allowed. No order as to costs.

As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

A.RAJASHEKER REDDY, J

M.LAXMAN, J

Date: 08.02.2022
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