

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE A. SANTHOSH REDDY**

CIVIL MISCELLANEOUS APPEAL No.857 of 2015

JUDGMENT: (Per Hon'ble Dr.SAJ)

This Civil Miscellaneous Appeal, under Order XLIII Rule 1 of CPC, is filed by the appellants/respondents/defendants, aggrieved by the order dated 01.05.2015 passed in I.A.No.32 of 2015 in O.S.No.116 of 2014, by the learned V Additional District Judge, Bhongir, wherein the subject Interlocutory Application filed by the respondent/petitioner/plaintiff under Order XXXIX Rule 1 and 2 r/w Section 151 of CPC, seeking temporary injunction restraining the appellants/respondents/defendants from changing/altering the nature of the petition schedule property until further orders was allowed as prayed for.

2. Heard the learned counsel for both sides and perused the record.

3. In the course of submissions, it is brought to the notice of this Court by the learned counsel for the appellants that the subject suit in O.S.No.116 of 2014 is transferred to the file of Principal District Judge, Bhongir, and it is coming up for arguments and therefore, the learned counsel for the appellants made a

request to this Court to issue a direction to the learned Principal District Judge, Bhongir, to dispose of the subject suit, expeditiously.

4. As seen from the material placed on record, the respondent herein/plaintiff filed the subject suit in O.S.No.116 of 2014 against the appellants/defendants seeking specific performance. There is no interim order in this appeal. The impugned order dated 01.05.2015 passed by the Court below is subsisting. The subject suit is posted for arguments. At this juncture, it is not appropriate to go into the merits of the impugned order and record a finding. In such an event, it will have a bearing over the determination of the subject suit.

5. Admittedly, the subject suit is of the year 2014. As per the circulars issued by the High Court from time to time, suits pending since more than five years have to be given utmost priority and the Presiding Officer concerned shall make every endeavor to dispose of the cases on priority basis and reduce the pendency of pre-2018 cases. Since the subject suit pertains to the year 2014, the Court concerned ought to have disposed of the subject suit, by this time. In view of these circumstances, it is appropriate to direct

the learned Principal District Judge, Bhongir, to dispose of the subject suit in O.S.No.116 of 2014 expeditiously.

6. Accordingly, without being influenced by the observations made in the impugned order dated 01.05.2015 passed in I.A.No.32 of 2015 in O.S.No.116 of 2014, the learned Principal District Judge, Bhongir, is directed to dispose of the subject suit in O.S.No.116 of 2014, pending on its file, expeditiously, preferably, within a period of three (03) months from the date of receipt of a copy of this judgment.

7. With the above direction, this Civil Miscellaneous Appeal is disposed of.

Miscellaneous Petitions, if any, pending in the appeal, shall stand closed. No order as to costs.

Dr. SHAMEEM AKTHER, J

A.SANTHOSH REDDY, J

Date: 26th December, 2022
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