

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

CIVIL MISCELLANEOUS APPEAL No.230 of 2018

JUDGMENT : (Per Hon'ble Dr.SAJ)

This Civil Miscellaneous Appeal, under Order XLIII Rule 1 of CPC, is filed by the appellant/defendant, aggrieved by the order, dated 26.10.2017 passed in I.A.No.542 of 2017 in O.S.No.669 of 2017, by the learned XIV Additional District Judge, Ranga Reddy District, L.B. Nagar, whereby the subject Interlocutory Application filed by the respondent/plaintiff under Order XXXIX Rule 1 and 2 of CPC, seeking temporary injunction restraining the appellant/defendant from alienating or transferring the petition schedule property to the third parties, was allowed.

2. Heard the learned counsel for the appellant and perused the record.

3. No representation for the respondent.

4. In the course of submissions, it is brought to the notice of this Court that the subject suit is filed for specific performance of agreement, dated 20.02.2014 in respect of the suit schedule property, which was already alienated under Ex.R1-registered sale

deed dated 15.06.2017 that too prior to the filing of the subject suit.

5. The record placed before this Court substantiates the same.

6. In view of these circumstances, the Court below ought not have passed the order restraining the appellant/defendant from alienating the suit schedule property, as it was already alienated by way of Ex.R1-registered sale deed, dated 15.06.2017. Therefore, the impugned order, dated 26.10.2017, is unsustainable and is liable to be set aside.

7. Accordingly, the appeal is allowed setting aside the impugned order, dated 26.10.2017 passed in I.A.No.542 of 2017 in O.S.No.669 of 2017 by the learned XIV Additional District Judge, Ranga Reddy District, L.B.Nagar. It is open to the respondent/plaintiff to workout the remedies available under law.

Miscellaneous Petitions, if any, pending in this appeal, shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

NAGESH BHEEMAPAKA, J

Date: 27th December, 2022
PNS/SSP