

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE A.SANTHOSH REDDY
CIVIL MISCELLANEOUS APPEAL No.658 OF 2015**

JUDGMENT: (Per Hon'ble Dr.SA,J)

This appeal, under Order XLIII Rule 1 of C.P.C., is filed by the appellant/plaintiff, aggrieved by the order and decree, dated 05.06.2015, passed in I.A.No.3878 of 2014 in O.S.No.137 of 2014 by the learned I Additional Chief Judge, City Civil Court, Secunderabad, whereby the subject I.A. filed by the appellant/plaintiff, under Order XXXIX Rules 1 and 2 of C.P.C., seeking to grant temporary injunction restraining the respondents/defendants from alienating, transferring or encumbering the petition schedule property in favour of third parties, pending disposal of the Suit, was dismissed.

2. Heard the learned counsel for the appellant/plaintiff, learned counsel for respondent Nos.1 to 3/defendant Nos.1 to 3 and perused the record.

3. It is brought to the notice of this Court that the subject Suit is coming up for the evidence of respondents/defendants and it is likely to be disposed of in a short period.

4. Admittedly, the subject Suit is of the year 2014. As per the circulars issued by this 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. Further, it is also apparent from the record that no interim order was passed by this Court. As trial had already commenced in the subject Suit, it is not appropriate to this Court to go into the merits of the case and tender an opinion. In such an event, it will have a bearing over the final determination of the subject Suit. In view of these circumstances, it is appropriate to direct the Court below to dispose of the subject suit in O.S.No.137 of 2014 expeditiously.

5. Under these circumstances, the Court below is directed to dispose of the subject Suit in O.S.No.137 of 2014, in accordance with law, expeditiously, preferably within a period of two (2) months from the date of receipt of a copy of this order.

6. With the above direction, the appeal is disposed of.

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

Dr. SHAMEEM AKTHER, J

A.SANTHOSH REDDY, J

Date: 26.12.2022
MD