

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

CIVIL MISCELLANEOUS APPEAL No.501 of 2022

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

This appeal, under Order XLIII Rule 1(d) of Code of Civil Procedure, is filed by the appellants/defendants, challenging the docket order, dated 26.09.2022, passed in I.A.No.176 of 2022 in O.S.No.97 of 2022 by the I Additional District Judge, Warangal, whereby, the petition filed by the respondents/plaintiffs under Order XXXIX Rule 1 and 2 of CPC, for grant of injunction restraining the appellants/defendants from cutting and alienating the eucalyptus trees grown in the petition schedule property till the disposal of the suit, was closed.

2. Heard both sides and perused the record.
3. The impugned docket order, dated 26.09.2022, reads as follows:

“Heard both sides about their status of eucalyptus trees, as per the photographs.

The respondent in person, with his junior counsel, present. According to his information there were trees uncut. Hence the respondent is directed not to cut the trees till further orders. Accordingly, the petition is closed, directing both sides get ready in I.A.No.175 of 2022.”

4. In the impugned docket order, dated 26.09.2022, the Court below has mentioned that the subject petition is closed. No discussion in relation to the pleadings in I.A. as well as in the counter is made. The impugned docket order is bereft of reasons and cryptic. A detailed order is required to be passed in the subject I.A.

5. In view of these circumstances, the appeal is allowed and the impugned docket order, dated 26.09.2022, passed in I.A.No.176 of 2022 in O.S.No.97 of 2022 by the I Additional District Judge, Warangal, is set aside. The subject I.A. is restored to its file. The Court below is directed to dispose of the subject I.A. afresh, in accordance with law, within a period of two (2) weeks from today. Both the parties are directed to maintain *status quo* in relation to the eucalyptus trees, if any, present over the subject petition schedule property.

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: 25.11.2022
ssp