

**HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA**

C.M.A. No.250 OF 2015

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JUDGMENT: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Civil Miscellaneous Appeal is preferred by the respondents in I.A. No.9 of 2014 in O.S. No.3 of 2014, challenging the order therein, dated 07-10-2014, passed by the learned IV Additional District Judge, Kakinada,

2. The respondent (plaintiff) herein filed the above I.A. under Order - XXXIX Rules - 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908, seeking temporary injunction restraining the appellants herein (defendants) from pursuing the tender process in furtherance of NIT No.E-IN-C(R&B) Rural Roads/77/NABARD/2013-14, dated 16-09-2013, regarding high level bridge at G. Moolapalem.

3. The trial Court after hearing both sides, granted temporary injunction by the impugned order.

4. In this appeal, it is contended by the learned counsel, representing the learned Advocate General, appearing for the appellants, that as there was no

response to the tender notification, dated 16-09-2013, no steps were taken in furtherance thereof and subsequently a fresh tender notification, dated 11-02-2015, was issued for the very same purpose. The same is not disputed by the learned counsel for the respondent.

5. Since, admittedly, no further steps were taken pursuant to the tender notification, dated 16-09-2013, and a fresh notification, dated 11-02-2015, was issued for award of the very same work, the very relief sought for in I.A. No.9 of 2014 has become infructuous. However, it is open for the respondent to pursue a fresh application, if it wants to do so.

6. Therefore, the order under challenge is set aside and I.A. No.9 of 2014 in O.S. No.3 of 2014 is dismissed as the relief sought for therein has become infructuous.

7. Accordingly, the Civil Miscellaneous Appeal is disposed of. There shall be no order as to costs.

8. Consequently, Miscellaneous Applications, if any, pending stand disposed of.

R. SUBHASH

REDDY, J

A. SHANKAR NARAYANA, J

June 16, 2015.

PV