

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice A.Shankar Narayana

Civil Miscellaneous Appeal No.671 of 2016

Date: 20.09.2016

Between:

Pylla Veera Manmadha Reddy and another

... Appellants

and

Thummala Anasuya and another

... Respondents

Counsel for the Appellants: Mr.K.Anthony Reddy

Counsel for respondent Nos.1 & 2: Dr.Venkat Reddy Donthi Reddy

The Court made the following:



Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

At the interlocutory stage, the Civil Miscellaneous Appeal (CMA) is taken up for hearing and disposal with the consent of the learned Counsel for both parties.

This CMA arises out of Order, dated 08-07-2014, in IA.No.225 of 2013 in OS.No.50 of 2013 on the file of the V Additional District Judge, Bhongir.

We have heard Mr.Anthony Reddy, learned Counsel for the appellants, and Mr.Donthireddi Venkat Reddy, learned Counsel for the respondents.

The appellants have filed the afore-mentioned suit for multiple reliefs. Pending the suit, they have filed IA.No.225 of 2013 under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC) for temporary injunction restraining respondent No.2 from alienating/mortgaging the petition C and D schedule properties. By a detailed order, the lower Court has dismissed the said application.

After hearing the learned Counsel for the parties and perusing the record, we feel that having regard to the nature of the dispute between the parties, the lower Court has rightly

declined to grant an injunction order. Even if the appellants succeed in the suit, the alienations, if any made, shall be subject to the provisions of Section 52 of the Transfer of Property Act, 1882, and the purchaser or the transferee will not get any right over the transferred properties. We are, therefore, of the opinion that the order of the lower Court is not liable for interference.

The CMA is, accordingly, dismissed.

As a sequel to dismissal of the CMA, CMAMP.No.671 of 2016, filed by the appellants for interim relief, is disposed of as infructuous.



(C.V.Nagarjuna Reddy, J)

(A.Shankar Narayana, J)

Dt: 20th September, 2016
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