

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE: S.A.No.431 of 2022

PROCEEDING SHEET

Sl. No	Date	ORDER	OFFICE NOTE
03.	11.10.2022	<u>SRS,J</u> <u>I.A.Nos.1 and 2 of 2022</u> I.A.No.1 of 2022 is filed to suspend the judgment and decree, dated 30.06.2022 passed in A.S.No.41 of 2018 on the file of learned Principal district Judge, Vizianagaram, pending disposal of the second appeal. I.A.No.2 of 2022 is filed under Order XXXIX Rules 1 and 2 of CPC for grant of injunction restraining the respondent/ plaintiff, his successor in interest, their men, their agents, assignees and their subordinates from interfering with the petitioners'/defendants' peaceful physical possession and enjoyment of the suit schedule property. This Court ordered notice and notice was served on respondent. Proof of service is filed. Heard. Suit O.S.No.79 of 2012 against the petitioners/defendants for permanent injunction on the file of learned Junior Civil Judge, Gajapathinagaram and the same was dismissed. Against the said judgment and decree of the lower Court, respondent/ plaintiff preferred A.S.No.41 of 2018. Lower	

	appellate Court allowed the appeal and decreed the suit and granted permanent injunction restraining the petitioners/defendants, their men, servants and agents from ever interfering with the peaceful possession and enjoyment of the respondent/plaintiff over the suit schedule property. It was averred in the affidavit that taking advantage of the decree, allowing of appeal and decreeing the suit and granting injunction by the lower appellate court, respondent/plaintiff is interfering with the possession of the petitioners/defendants in respect of RCC building (cement sheeted) situated at Gajapathinagaram bearing door No.4-153, Assessment No.681 of Gajapathinagaram village and Mandal Vizianagaram District within the boundaries mentioned in the suit schedule. Unless, injunction is suspended the appellant will be put the serious and irreparable loss and injury. Further prayed to grant injunction restraining the respondent from interfering with the possession of the appellant. In view of the averments made in the affidavit, considering the facts and circumstances of the case, the injunction granted in suit O.S.No.79 of 2012 on the file of learned Junior Civil Judge, Gajapathinagaram as per the judgment and decree, dated 30.06.2022 in A.S.No.41 of	
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		2018 is hereby suspended. There shall be ad-interim injunction restraining the respondent/plaintiff from interfering with the possession of the petitioners/defendants over the schedule property i.e R.C.C. building bearing D.No. 4-153 (old 5-39), assessment No. 681, Gajapathinagaram village and Mandal, Vizianagaram District, pending the second appeal. These petitions are ordered accordingly. SRS, J ikn	
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