

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,  
VIKARABAD DISTRICT.**

Present: **Dr. S. Srinivas Reddy,  
Principal District Judge,  
Vikarabad District.**

Friday, this the 21<sup>st</sup> day of November, 2025.

**CMA No.17 of 2022**

**Between:**

1. Meghamalini, W/o. late Dattatreya Rao,  
Age 65 years, Occ: Household,  
R/o. Juntupally Village, Yalal Mandal,  
Vikarabad District.
2. Sabitha Koti, W/o. Raghavendra Prasad,  
Age 42 years, Occ: Private Employee,  
R/o. H.No.4342, MIG Phase-II, BHEL, Hyderabad.
3. Shashikanth Rao, S/o. late Dattatreya Rao,  
Age 38 years, Occ: Private Employee,
4. Srikanth Rao, S/o. late Dattatreya Rao,  
Age 35 years, Occ: Private Employee,  
Both R/o. Juntupally Village, Yalal Mandal,  
Vikarabad District.

**...Appellants/Petitioners/Plaintiffs.**

**AND**

Pendyala Venkat Reddy, S/o. late Ananth Reddy,  
Age 48 years, Occ: Agriculture,  
R/o. Juntupally Village, Yalal Mandal, Vikarabad District.

**...Respondent/Respondent/Defendant.**

*CMA filed against the order and decretal order passed by the Junior Civil Judge, Tandur, Vikarabad District in IA No.1018 of 2021 in OS No.418 of 2021 dated 06.06.2022.*

**Between:**

1. Meghamalini, W/o. late Dattatreya Rao,  
Age 65 years, Occ: Household,  
R/o. Juntupally Village, Yalal Mandal,  
Vikarabad District.
2. Sabitha Koti, W/o. Raghavendra Prasad,  
Age 42 years, Occ: Private Employee,  
R/o. H.No.4342, MIG Phase-II, BHEL, Hyderabad.
3. Shashikanth Rao, S/o. late Dattatreya Rao,  
Age 38 years, Occ: Private Employee,
4. Srikanth Rao, S/o. late Dattatreya Rao,  
Age 35 years, Occ: Private Employee,  
Both R/o. Juntupally Village, Yalal Mandal,  
Vikarabad District.

**...Petitioners/Plaintiffs.**

AND

Pendyala Venkat Reddy, S/o. late Ananth Reddy,  
Age 48 years, Occ: Agriculture,  
R/o. Juntupally Village, Yalal Mandal, Vikarabad District.

**..Respondent/Defendant.**

*This appeal is coming before me for final hearing in the presence of Sri Mohan Rao, Advocate for the Appellants/Petitioners/Plaintiffs and Sri P. Sampurna Anand, Advocate for the Respondent/Respondent/Defendant and upon hearing both sides and perusal of the material on record, this court passed the following:*

**J U D G M E N T**

1. This CMA is restored to the file of this court for hearing as directed by the Hon'ble High Court for the State of Telangana by order dated 26.08.2025 in CRP No.3101 of 2024 whereby and whereunder the judgment dated 07.08.2024 passed by this court by dismissing this CMA is set aside.
2. This CMA is filed by the appellants/petitioners/plaintiffs assailing the order and decree dated 6-6-2022 passed by the learned Junior Civil Judge, Tandur in IA No.1018 of 2021 in OS No.418 of 2021 under which the relief of temporary injunction sought in favour of the appellants/petitioners/plaintiffs and against the respondent/defendant restraining him from interfering with the peaceful possession of the appellants/petitioners/plaintiffs over the petition schedule property, came to be dismissed.
3. This court by judgment dated 07.08.2024 in this CMA No.17 of 2022 has marked Exs.P5 to P8 on behalf of the appellants/petitioners/plaintiffs by allowing IA No.123 of 2023 and also marked Exs.R3 and R4 on behalf of the respondent/defendant by allowing IA No.949 of 2023 and after considering the said documents marked on either side in the CMA and also on the basis of the material on record, this CMA was dismissed by judgment dated 07.08.2024 against which the appellants/petitioners/plaintiffs have filed CRP No.3101 of 2024 before the Hon'ble High Court for the State of Telangana which is allowed by order dated 26-8-2025 in which the Hon'ble High Court in para Nos.20 and 21 has held as under:

20. *For the reasons stated supra, the judgment dated 07.08.2024 is set aside. Civil Miscellaneous Appeal No.17 of 2022 remanded to the Principal District Judge, Vikarabad for hearing and disposal in accordance with law. Since the said Appeal was instituted on 27.06.2022 and the suit is of 2021 the appellate Court is directed to consider the dispose of the Civil Miscellaneous Appeal on merits within two months from the date of receipt of a copy of this order. It is needless to mention that the appellate Court shall restrict itself to the Exhibits marked by the trial Court, while considering the Appeal.*

21. *The Civil Revision Petition is accordingly, allowed. No costs.*

4. The said copy of the order of the Hon'ble High Court is filed before this court by the appellants/petitioners/plaintiffs on 23.09.2025 by way of a memo which is taken on record.

5. The petition schedule property is shown as under:

**SCHEDULE OF PROPERTY**

*All that open plot measuring 45 yards in length and 15 yards in width, totally admeasuring 675 square yards, situated at Juntupally Village, Yalal Mandal, Vikarabad District, bounded as under:*

|       |   |                                                     |
|-------|---|-----------------------------------------------------|
| NORTH | : | House of Khaleel Ahmed.                             |
| SOUTH | : | Public Way.                                         |
| EAST  | : | Card Track.                                         |
| WEST  | : | House of defendant and open plot of Srinivas Reddy. |

6. The record makes it manifest that these appellants/petitioners/plaintiffs has instituted OS No.418 of 2021 before the trial court seeking the relief of perpetual injunction. Along with the said suit, they have also filed IA No.1018 of 2021 seeking grant of temporary injunction under Order 39 Rules 1 and 2 r/w section 151 of CPC seeking to restrain the respondent/defendant herein from interfering with the peaceful possession of the appellants/petitioners/plaintiffs over the aforesaid petition schedule land till the disposal of the suit.

***7. In the affidavit filed in support of IA No.1018 of 2021 by the appellants/petitioners/plaintiffs, it is inter-alia, averred as under:***

a) The appellants/petitioners/plaintiffs are the absolute owners and possessors of suit open plot measuring 45 yards in length and 15 yards in width, totally admeasuring 675 square yards situated at Juntupally Village, Yalal Mandal, Vikarabad District, that the father in law of appellant No.1 and grandfather of appellant Nos.2 to 4 namely Sheshagiri Rao was the absolute owner and possessor of the suit schedule plot. The said Sheshagiri Rao filed a suit vide O.S. No. 70/1969 on the file of the District Munsif, Tandur for declaration of ownership and for perpetual injunction in respect of suit plot against one Neerati Pentappa and 2 others and the said suit was decreed in his favour on 31-03-1971. Sheshagiri Rao died in the year 1980 leaving behind his 2 sons namely Dattatreya Rao and Muralidhar Rao as his legal heirs and Muralidhar Rao also died issueless in the year 1996. The other son Dattatreya Rao died in the year 1989 leaving behind him the appellant/petitioner/plaintiff No.1 as his wife, petitioners/plaintiffs No. 2 to 4 and his another daughter Vanitha as his legal heirs. These petitioners/appellants succeeded and inherited the suit schedule plot

along with said Vanitha as absolute owners and are in possession of the suit plot after the deaths of Sheshagiri Rao and Dattatreya Rao. These appellants/petitioners/plaintiffs raised a fencing around the suit schedule plot with cement pillars. The respondent/defendant is not having any right or interest over the suit schedule plot but taking advantage of his house towards western side of the suit schedule plot, with malafide and dishonest intention came to the suit plot and damaged the fenced cement pillars and caused loss of Rs.10,000/- to these appellants/petitioners/plaintiffs on 08-12-2021 and thereby interfered with appellants/petitioners/plaintiffs possession and his illegal acts were foiled by appellants/petitioners/plaintiffs with the help of well-wishers. The respondent/defendant went away by threatening the appellants/petitioners/plaintiffs with dispossession from the suit plot whenever time is favourable to him. The appellant No.1 also lodged a complaint before the Police Yalal, but the police did not take any action against the respondent/defendant as the respondent/defendant is highly politically influenced person. Hence, this petition seeking the relief of temporary injunction.

**8. *The respondent/defendant has filed a counter affidavit denying the case of the appellants/petitioners/plaintiffs, inter-alia, with the following averments:***

a) The petitioners/plaintiffs are not the absolute owners of the petition schedule land nor they are in possession of the same as since from the forefathers of this respondent, they are the owners and the suit schedule property is the ancestral property of the respondent who is having a plot totally admeasuring 1032 Square yards and his father has constructed a house in the year 2000 by obtaining permission from Gram Panchayat of Juntupally Village and left an

open place of 700 square yards towards eastern side of the house. This respondent has applied for construction of his house in the open place as the father of this respondent has gifted the open plot to the respondent. The appellants/petitioners/plaintiffs who are residing at Hyderabad have created a false cause of action to usurp the open plot of this respondent and filed the false suit showing the false boundaries and that there is no existing house of the petitioners adjacent to the house of this respondent and as such sought for dismissal of the said IA.

9. The record discloses that during the course of enquiry before the trial court, on behalf of these appellants/petitioners/plaintiffs, Exs.P1 to P4 are marked and on behalf of the respondent/defendant, Exs.R1 and R2 are marked. No oral evidence is adduced on either side before the trial court.

10. It is manifest from the impugned order of the trial court dated 06.06.2022 that as the appellants/petitioners/plaintiffs have failed to show their continued possession over the suit plot from the life time of Sheshagiri Rao, it was concluded that the appellants/petitioners/plaintiffs have failed to establish that they are in continued possession of the suit plot and as such dismissed the said IA against which the present appeal is filed.

11. During the course of hearing of this appeal after it is restored, the learned counsel for the appellants/petitioners/plaintiffs has submitted that the present appeal has to be decided on the basis of the documents which are filed by the parties before the trial court in IA No.1018 of 2021 which are Exs.P1 to P4

marked on behalf of these appellants/petitioners/plaintiffs and Exs.R1 and R2 marked on behalf of the respondent/defendant as directed by the Hon'ble High Court by order in CRP No. 3101 of 2024 dated 26-8-2025.

12. It is submitted by the learned counsel for the appellants/petitioners/plaintiffs that Sheshagiri Rao was the owner of the schedule of property as held by the District Munsif of Tandur in the judgment in OS No.70 of 1969 dated 31-03-1971 whose certified copy is marked as Ex.P6 in this CMA by this court earlier but the said document now stands eschewed in view of the order of the Hon'ble High Court. It is contended that said Sheshagiri Rao constructed a cattle shed about more than 28 years ago and after his death, his two sons have succeeded to the said property and his one son Muralidhar Rao has died issueless in the year 1996 and the other son by name Dattatreya Rao also died in the year 1989 while these appellants/petitioners/plaintiffs are his legal heirs and are in continuous possession over the suit schedule property till filing of the suit but in their absence, the respondent/defendant who is having his house on the western side of the suit land, is trying to interfere with the possession of the petitioners/plaintiffs over the suit land. Learned counsel for the appellants/petitioners/plaintiffs has submitted that before the trial court, they have filed Ex.P1 which is the original permission granted by the panchayath secretary of Gram panchayath for construction of a house and Ex.P2 is the certified copy of the application in Urdu and its English translation is also filed which makes it manifest that intimation was given by the Tahsildar of Juntupally to the Patwari of Juntupally Village that a permission was given to Sheshagiri Rao for construction of a cattle shed. Ex.P3 is the certified copy of the Urdu

application along with English translation under which Sheshagiri Rao has applied for construction of a cattle shed while Ex.P4 are the photographs of the suit schedule property. Learned counsel for the appellants/petitioners/plaintiffs has submitted that when the title of Sheshagiri Rao was declared by a competent court and his possession is also legally recognized, a presumption would arise that after his death, his legal heirs who are the appellants/petitioners/plaintiffs are in continuous possession of the petition schedule property and the respondent/defendant who is making attempts to interfere with the possession of these appellants/petitioners/plaintiffs has to be restrained by granting temporary injunction or at least by granting a status-quo order till the suit is decided on merits to protect and preserve the petition schedule property. In support of his contentions, the learned counsel for the appellants/petitioners/plaintiffs has relied upon the decisions of the Hon'ble Supreme Court in ***Dalpat Kumar And Another Vs.Prahlad Singh And Ors. {(1992) 1 SCC 719}***, ***Tekkolu Sidda Reddy by Lrs. And Ors. Vs. Shaik Mahaboob Bi And Ors. {(2011) 4 ALD 734}***, ***Dorab Cawasji Warden Vs. Coomi Sorab Warden And Ors. {(1990) 2 SCC 117}***, and in ***Gujarat Bottling Co. Ltd. And Ors. Vs. Coca Cola Co. And Ors.{(1995) 5 SCC 545}***. By placing reliance on these decisions, it is submitted that temporary injunction has to be granted to preserve the property and to protect the possession of the property till the disposal of this suit and as these appellants/petitioners/plaintiffs have a substantial case for trial which is more than a prima facie case and to prevent irreparable or serious injury to them, the impugned order of the trial court is liable to be set aside by allowing this appeal by granting temporary injunction as prayed for against the respondent/defendant till the disposal of OS No.418 of 2021.

13. On the contrary, the learned counsel for the respondent/defendant has contended that no acceptable or documentary proof is filed by the appellants/petitioners/plaintiffs showing at least their prima facie possession over the petition schedule property and there is also no proof that these appellants/petitioners/plaintiffs have succeeded the same property which is the subject matter of OS No.70 of 1969 on the file of the District Munsif, Tandur, that Exs.P1 to P4 do not in any way demonstrate that they pertain to the present suit schedule property and this court has already dismissed this CMA by judgment dated 07.08.2024 and no fresh grounds are shown to take a different view. It is also contended that granting temporary injunction is a discretionary relief but the appellants/petitioners/plaintiffs have to establish their case to the satisfaction of this court and as the documents filed by them are totally irrelevant and no way establishes their continuous possession over the suit schedule property from the death of Sheshagiri Rao till the date of filing of the suit, much less their title, and therefore, as there are no merits in this appeal, the same has to be dismissed with costs.

14. Having regard to the aforesaid rival submissions, the following points would emerge for determination in this appeal, viz,:

***1) Whether the appellants/petitioners/plaintiffs have established their lawful possession over the petition schedule property as on the date of filing of IA No.1018 of 2021 in OS No.418 of 2021?***

***2) Whether the appellants/petitioners/plaintiffs have proved their prima facie case and balance of convenience***

***in their favour for granting of discretionary relief of temporary injunction otherwise they would suffer irreparable loss and injury?***

***3) Whether the impugned order and decree dated 06.06.2022 passed by the Junior Civil Judge, Tandur in IA No.1018 of 2021 in OS No.418 of 2021 are sustainable?***

***4) To what relief?***

15. **Point Nos.1 to 3:-** Since the petitioners/appellants are seeking grant of temporary injunction under the provisions of Order 39 Rules 1 and 2 CPC, at this stage it is germane to refer to those provisions which are extracted as under:

***Order-XXXIX, Rule-1. Cases in which temporary injunction may be granted*** -Where in any Suit it is proved by affidavit or otherwise—

*(a) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, or*

*(b) that the defendant threatens, or intends, to remove or dispose of his property with a view to defrauding his creditors,*

*(c) that the defendant threatens to dispossess the plaintiff or otherwise cause injury to the plaintiff in relation to any property in dispute in the suit, the court may by Order grant a temporary injunction to restrain such act, or make such other Order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property or dispossession of the plaintiff, or otherwise causing injury to the plaintiff in relation to any property in dispute in the suit] as the court thinks fit, until the disposal of the suit or until further orders.*

***Order-XXXIX, Rule-2. Injunction to restrain repetition or continuance of breach.-*** (1) In any suit for restraining the defendant from committing a breach of contract or other injury of any kind, whether compensation is claimed in the suit or not, the plaintiff may, at any time after the commencement of the suit, and either before or

*after judgment, apply to the court for a temporary injunction to restrain the defendant from committing the breach of contract or injury complained of, or any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right.*

*(2) The court may by Order grant such injunction, on such terms, as to the duration of the injunction, keeping an account, giving security, or otherwise, as the court thinks fit.*

16. At this stage, it is expedient to refer to the cardinal principles enunciated by the Hon'ble Constitutional Courts in landmark judgments governing the arena of granting temporary injunctions. In **DALPAT KUMAR AND ANR. Vs. PRAHLAD SINGH AND OTHERS {(1992) 1 SCC 719}**, relied upon by the learned counsel for the appellants, the Hon'ble Supreme Court has laid down the golden principles to be borne in mind while granting temporary injunction, in the following paragraphs which are extracted hereunder:

*.....It is settled law that the grant of injunction is a discretionary relief. The exercise thereof is subject to the court satisfying that (1) there is a serious disputed question to be tried in the suit and that an act, on the facts before the court, there is probability of his being entitled to the relief asked for by the plaintiff/defendant; (2) the court's interference is necessary to protect the party from the species of injury. In other words, irreparable injury or damage would ensue before the legal right would be established at trial; and (3) that the comparative hardship or mischief or inconvenience which is likely to occur from withholding the injunction will be greater than that would be likely to arise from granting it.*

5. *Therefore, the burden is on the plaintiff by evidence aliunde by affidavit or otherwise that there is "a prima facie case" in his favour which needs adjudication at the trial. The existence of the prima facie right and infringement of the enjoyment of his property or the right is a condition for the grant of temporary injunction. Prima facie case is not to be confused with prima facie title. Only prima facie case is a substantial question raised, bona fide, which*

*needs investigation and a decision on merits. Satisfaction that there is a prima facie case by itself is not sufficient to grant injunction. The court further has to satisfy that non-interference by the Court would result in “irreparable injury” to the party seeking relief and that there is no other remedy available to the party except one to grant injunction and he needs protection from the consequences of apprehended injury or dispossession. Irreparable injury, however, does not mean that there must be no physical possibility of repairing the injury, but means only that the injury must be a material one, namely one that cannot be adequately compensated by way of damages. The third condition also is that “the balance of convenience” must be in favour of granting injunction. The Court while granting or refusing to grant injunction should exercise sound judicial discretion to find the amount of substantial mischief or injury which is likely to be caused to the parties, if the injunction is refused and compare it with that it is likely to be caused to the other side if the injunction is granted. If on weighing competing possibilities or probabilities of likelihood of injury and if the Court considers that pending the suit, the subject-matter should be maintained in status quo, an injunction would be issued. Thus the Court has to exercise its sound judicial discretion in granting or refusing the relief of ad interim injunction pending the suit.*

17. In **GUJARAT BOTTLING CO. LTD. Vs. COCA COLA COPMPANY {(1995) 5 SCC 545}**, relied upon by the learned counsel for the appellants, the Hon’ble Supreme Court has laid down the following guidelines, governing the relief of grant of temporary injunctions, viz.,

*“The grant of an interlocutory injunction during the pendency of legal proceedings is a matter requiring the exercise of discretion of the Court. While exercising the discretion the Court applied the following tests [i] whether the plaintiff has prima-facie case [ii] Whether the balance of convenience is in favour of the plaintiff, and [iii] Whether the plaintiff would suffer an irreparable injury if his prayer for interlocutory injunction is disallowed. The decision whether or not to grant an interlocutory injunction has to be taken at a time when the existence of the legal right assailed by the plaintiff and its alleged violation are both contested and uncertain and*

*remain uncertain till they are established at the trial on evidence Relief by way of interlocutory injunction is granted to mitigate the risk of injustice to the plaintiff during the period before that uncertainty could be resolved. The object of the interlocutory injunction is to protect the plaintiff against injury by violation of his right for which he could not be adequately compensated in damages recoverable in the action if the uncertainty has, however, to be weighed against the corresponding need of the defendant to be protected against resulting from his having been prevented from exercising his own legal rights for which he could not be adequately compensated. The Court must weigh one need against another and determine where the balance of convenience lies. In order to protect the defendant while granting an interlocutory injunction in his favour the Court requires the plaintiff to furnish an undertaking so that the defendant can be adequately compensated if the uncertainty were resolved in his favour at the trial”.*

18. In the light of the aforesaid principles enunciated in the aforesaid decisions, the factual matrix of the case as unfolded from the pleadings and documents of both sides shall be adverted to.

19. After hearing the submissions of both sides and on a perusal of Exs.P1 to P4 and Exs.R1 and R2 which are originally marked before the trial court on behalf of the respective parties, it is luminous that the appellants/petitioners/plaintiffs who are seeking the discretionary relief of temporary injunction against the respondent/defendant have to establish to the satisfaction of this court for grant of the said discretionary relief. Keeping in view the legal principles as indicated above, if the documents filed on behalf of the appellants/petitioners/plaintiffs are scrutinized, none of them prima-facie depicts that there was a cattle shed which was in existence on the suit plot constructed by Seshagiri Rao. Further, no revenue record such as any permission

or plan issued by the gram panchayath or the competent revenue authority is produced before this court by the appellants/petitioners/plaintiffs to show that Sheshagiri Rao has obtained any such permission from the gram panchayath for construction of the cattle shed on the petition schedule land in the capacity of the possessor and title holder of the said land. Nextly, a perusal of Ex.P1 which is the original permission issued by the panchayath Secretary of Juntupally Grampanchayath for construction of a house shows that no details pertaining to the suit schedule property are mentioned therein and thus, it cannot be said that it is in respect of the petition schedule property. Moreover, Exs.P2 to P4 as discussed above do not demonstrate the existence of any cattle shed constructed over the suit plot in pursuance of the judgment dated 31.03.1971 in OS No.70 of 1969 by Sheshagiri Rao. The certified copy of this judgment has also not been brought on record to show that the title of Seshagiri Rao is declared by a competent court in respect of the petition schedule land within the specified boundaries. Moreover, no documentary proof is also filed by the appellants/petitioners/plaintiffs that their names are entered or mutated in the revenue records as the legal heirs and successors of Sheshagiri Rao after his death and that they are in continuous possession over the same till the filing of the suit. That apart, there is also no acceptable documentary proof to show that the suit schedule land is the same land in respect of which Sheshagiri Rao was stated to have been declared as the title holder in pursuance of the judgment dated 31.03.1971 in OS No.70 of 1969 within the specified boundaries. It is also not specifically demonstrated before this court by the appellants/petitioners/plaintiffs that the name of Sheshagiri Rao was continued in the revenue records as the possessor of the suit land till his death and thereafter

the appellants/petitioners/plaintiffs have been in continuous possession of the same till the filing of the suit as his legal heirs.

20. Insofar as the documents filed by the respondent/defendant are concerned, though Ex.R1 is the house construction permission copy dated 10.01.2000 issued by the Sarpanch of Juntupally Grampanchayath and Ex.R2 Sketch Map but they do not in any way establish the title or possession of the respondent/defendant over the suit land. However, these documents do not enure to the benefit of the appellants/petitioners/plaintiffs to claim that they are in possession of the suit schedule property as on the date of filing of the suit in the absence of any revenue records such as pahani or acceptable documentary evidence filed by them right from the death of Sheshagiri Rao till the date of filing of the suit which are issued by any revenue/government authorities.

21. It is also settled law as postulated in the aforesaid decisions that the Court while granting or refusing to grant injunction should exercise sound judicial discretion to find the amount of substantial mischief or injury which is likely to be caused to the parties, if the injunction is refused and compare it with that it is likely to be caused to the other side if the injunction is granted. If on weighing competing possibilities or probabilities of likelihood of injury and if the Court considers that pending the suit, the subject-matter should be maintained in status quo, an injunction would be issued. Thus, the Court has to exercise its sound judicial discretion in granting or refusing the relief of injunction pending the suit.

22. In *Dorab Cawasji Warden's* case which is relied upon by the learned counsel for the appellants, in para Nos.16 and 17 the Hon'ble Supreme Court has

laid down the guidelines in granting interlocutory mandatory injunctions and it is held that if the plaintiff has a strong case for trial, it shall be of a higher standard for grant of an interlocutory mandatory injunction and it shall ultimately rest in the sound judicial discretion of the Court to be exercised in the light of the facts and circumstances of each case. However, this Court is of the view that these principles are not applicable to the present factual matrix as the appellants have not sought for any interlocutory mandatory injunction but only temporary injunction which is a discretionary relief.

23. In *Tekkolu Sidda Reddy's* case (cited supra) which is relied upon by the learned counsel for the appellants it is held by the Hon'ble High Court of AP in para No.15 that once the possession over an item of immovable property is proved at a particular point of time, a presumption forward and backward needs to be drawn unless the parties opposing such plea are able to prove that the possession has changed in accordance with law gets attracted. However, as Exs.P1 to P4 do not in any way establish the possession of Seshagiri Rao over the petition schedule property till his death, no presumption can be raised to infer that the appellants/petitioners/plaintiffs are in possession of the suit schedule property after the death of Sheshagiri Rao till the date of filing of the suit inasmuch as the possession of Seshagiri Rao during his life time has also not been specifically established over the petition land by way of any acceptable revenue record. Therefore, by any stretch of imagination, it cannot be said that these 4 documents under Ex.P1 to P4 establish the prima-facie possession of Seshagiri Rao over the petition schedule property from the year 1971 till his death and thereafter, the possession of the appellants/petitioners/plaintiffs till the

date of filing of the suit, for the total period of about 55 years. Thus, the appellants/petitioners/plaintiffs who have failed to establish their prima facie possession over the petition schedule property within the specified boundaries, are not entitled for the discretionary relief of temporary injunction. In this view of the matter, the principles laid down in the decisions relied upon by the learned counsel for the appellants/petitioners/plaintiffs do not in any way support their case for grant of the discretionary relief of temporary injunction as prayed for.

24. The trial court on a consideration of the documentary evidence adduced by both sides has properly appreciated the crux of the controversy and dismissed the IA No.1018 of 2021 by impugned order and decretal order which do not require any interference in this appeal. For the above reasons, this appeal fails and is liable to be dismissed. In any event, the observations made in this judgment with reference to the pleadings of both sides and documents are only for the purpose of disposal of this appeal and cannot be construed that they have any bearing or impact on the final disposal of the suit which shall be decided on merits after framing appropriate issues and on the basis of the evidence adduced by both sides during the trial, by the trial court. Since the suit is of the year 2021, the trial court shall frame appropriate issues, if not already framed, in the suit and proceed to adjudicate the suit on merits as expeditiously as possible. Both the appellants/plaintiffs and respondent/defendant shall cooperate with the trial court for expeditious disposal of the suit preferably within a period of one year from the date of receipt of a copy of this judgment, to put a quietus to the litigation at once. These points are answered accordingly.

25. **Point No.4:-** In the result, this appeal is dismissed without costs by confirming the impugned order and decretal order in IA No.1018 of 2021 in OS No.418 of 2021 dated 06.06.2022 passed by the Junior Civil Judge, Tandur.

*Dictated to Stenographer partly and transcribed by him, typed partly, corrected and pronounced by me in the open court, on this the 21<sup>st</sup> day of November, 2025.*

**Principal District Judge,  
Vikarabad District.**

**APPENDIX OF EVIDENCE**  
**WITNESSES EXAMINED**

-Nil-

**Principal District Judge,  
Vikarabad District.**