

**IN THE COURT OF SPL.SSESSIONS JUDGE FOR SC/ST(POA) ACT 1989
CUM- VII ADDITIONAL DISTRICT & SESSIONS JUDGE:
AT L B NAGAR : RANGA REDDY DISTRICT**

PRESENT: SMT M. BHAVANI
SPL. SESSIONS JUDGE TRIAL OF CASES
UNDER SCs & STs (POA) ACT, 1989,
CUM VII ADDL. DISTRICT & SESSIONS JUDGE,
RANGA REDDY DISTRICT AT L.B.NAGAR.

WEDNESDAY, ON THIS 10th DAY OF SEPTEMBER, 2025.

A.S. No.24 OF 2019

BETWEEN:-

1. Gade Veera Reddy, S/o.G.Narsimha Reddy,
Aged about 66 years, Occ Advocate,
2. Gade Sujatha, W/o. G.Veera Reddy,
Aged about 59 years, Occ: Business,
3. Gade Narsimha Reddy, S/o.G.Veera Reddy,
aged about 40 years, Occ: Business,

All are R/o.h.No.4-6-354, Esamia Bazar, Hyderabad.

...Appellants

AND

1. B.Kamala, W/o.Late B.Dharma Reddy
Aged 56 years, Occ: Household,
R/o.H.No.1-107/1, Badangpet Village,
Saroornagar Mandal, R.R.District.
2. B.Madhusudhan Reddy, S/o.Late B.Dharma Reddy
Aged 39 years, Occ: Private Employee,
R/o.H.No.2-3-645/4/A/93, Prem Nagar, Amberpet,
Hyderabad.
3. B.Raghuram Reddy, S/o.Late B.Dharma Reddy
Aged 37 years, Occ: Business, R/o.H.No.2-25,
Badangpet Village, Saroornagar Mandal, R.R.District.
4. B.Chakradhar Reddy, S/o.Late B.Dharma Reddy
Aged 34 years, Occ: Private Employee, R/o.H.No.2-25,
Badangpet Village, Saroornagar Mandal, R.R.District.

5. N.Rameshwari, D/o.Late B.Dharma Reddy
Aged 41 years, Occ: Household, R/o.H.No.1-107/1,
Badangpet Village, Saroornagar Mandal, R.R.District.

...Respondents

**APPEAL AGAINST THE JUDGMENT AND DECREE IN OS No.605 of
2016, DATED 28-01-2019 IN THE COURT OF I ADDL. JUNIOR CIVIL
JUDGE, RANGA REDDY DISTRICT AT L.B.NAGAR.**

O.S.NO.605 OF 2016

Between:

1. Gade Veera Reddy, S/o.G.Narsimha Reddy,
Aged about 66 years, Occ Advocate,
 2. Gade Sujatha, W/o. G.Veera Reddy,
Aged about 59 years, Occ: Business,
 3. Gade Narsimha Reddy, S/o.G.Veera Reddy,
aged about 40 years, Occ: Business,
- All are R/o.h.No.4-6-354, Esamia Bazar, Hyderabad.

...Plaintiffs

AND

1. B.Kamala, W/o.Late B.Dharma Reddy
Aged 56 years, Occ: Household,
R/o.H.No.1-107/1, Badangpet Village,
Saroornagar Mandal, R.R.District.
2. B.Madhusudhan Reddy, S/o.Late B.Dharma Reddy
Aged 39 years, Occ: Private Employee,
R/o.H.No.2-3-645/4/A/93, Prem Nagar, Amberpet,
Hyderabad.
3. B.Raghuram Reddy, S/o.Late B.Dharma Reddy
Aged 37 years, Occ: Business, R/o.H.No.2-25,
Badangpet Village, Saroornagar Mandal, R.R.District.
4. B.Chakradhar Reddy, S/o.Late B.Dharma Reddy
Aged 34 years, Occ: Private Employee, R/o.H.No.2-25,
Badangpet Village, Saroornagar Mandal, R.R.District.
5. N.Rameshwari, D/o.Late B.Dharma Reddy
Aged 41 years, Occ: Household, R/o.H.No.1-107/1,
Badangpet Village, Saroornagar Mandal, R.R.District.

...Defendants

The appeal suit came up before me for final hearing in the presence of **Sri G.Sathyaver Reddy**, Advocate for Appellants/ Plaintiffs and of **Sri V.Sai Kumar**, Advocate for Respondents/ Defendants and upon perusing the material papers on record and upon hearing both sides and having stood over for consideration till this day the Court made the following:-

J U D G M E N T

Aggrieved by the Judgment and decree in O.S.No.605 of 2016, dated 28-01-2019 passed by the I Addl. Junior Civil Judge, Ranga Reddy District, the present appeal is preferred. The appellants herein are the Plaintiffs and the respondents are the defendants before the trial court. For convenience sake the parties shall be referred to as arrayed before the trial court.

The Grounds of Appeal are as under :-

- i) The Judgment and decree is against the facts, record and principles of natural justice and equity. The trial court mis-appreciated the oral and documentary evidence and arrived at an erroneous conclusion.
- ii) Except mentioning the documents which were got marked by the plaintiffs the contents of the documents were not discussed in the judgment.
- iii) The trial court has not explained the case by referring the documents and therefore the findings of the court are to be set aside.

iv) The judgment is totally misconstrued; baseless and not supported by the record.

v) The calculations made by the trial court in arriving to the area possessed by the share holders who has sold the land to the vendors of the plaintiffs herein is totally without any basis and record.

vi) The sale deed was admitted by PW.2 regarding the sale transaction of the land to Anitha and Padmaja. Those documents do not effect the sale documents of the plaintiffs in any manner. Some evidence was ignored.

Vii) The trial court failed to appreciate the fact that contentions raised by the defendants in their written arguments is not supported by any of the documents much less any part of the evidence produced by them.

Viii) The defendants in the suit have not entered into the witness box to substantiate their contention, but the trial court reproduced written arguments that were submitted by the defendants.

ix) A petition was filed for reopening of the matter as the senior counsel went to USA on health ground, but the same was not considered and the said petition in I.A.No.32 of 2019 was posted for counter and

disposal on 24-01-2019 and from then to 29-01-2019. But for the reasons best known to the trial court the judgment was pronounced on 28-01-2019 itself, without disposing the reopen petition, which is erroneous in law.

x) The observation made by the trial court that plaintiffs have not explained about the sale deeds which they got executed is also incorrect. It is stated that they filed the layout which was sanctioned by the authority and they were marked as Exs.A7 & A9. The finding of the trial court that no documentary evidence is produced by the plaintiffs is erroneous in law.

xi) When suit property is open plots the question of proving the possession will be only by oral evidence, sale deeds and photographs. The same has been discharged by the plaintiffs. It was not considered and the trial court held that no evidence has been produced for proving the possession.

xii) To contradict the evidence placed by the plaintiffs the defendants have not stepped into the witness box and they atleast did not deny the possession of the plaintiff and did not state how they are in possession of the property. Under these circumstances the finding of the trial court on issue Nos.1 to 3 is erroneous in law and fit to be set aside.

xiii) The trial court proceeded on assumptions and presumptions relying wholly upon the written arguments produced by the defendants.

xiv) The appellants who are the plaintiffs substantiated their ownership and possession over the suit schedule property by letting in oral and documentary evidence, but the same was ignored by the trial court.

xv) In the written arguments the defendants/ respondents admitted that they sold out an extent of 800 Sq.yards which was owned and belonged by their father to the vendors of the appellants herein. The said admission is also ignored by the trial court and arrived at an erroneous conclusion. For the above reasons prayed the court to allow the appeal.

3. The suit was filed by the plaintiffs/ appellants herein seeking perpetual injunction restraining the respondents from interfering with their possession and enjoyment over the suit schedule property and for costs.

The brief averments of the plaint are :-

4. The plaintiff No.1 is the husband of plaintiff No.2 and father of plaintiff No.3. All the plaintiffs purchased the suit property admeasuring 1412 Sq.yards under three registered sale deeds. The property is

situated at Badangpet Village, Saroornagar Mandal, Ranga Reddy District.

5. The details of purchase of property are as under :-

Parties name	Document No. and date	Plot No.	Sy.No.	Extent	Vendor's name	Vendor's document No. and date	Vendor's name vendor
Plaintiff No.1	5688/1998, dt:5-11-1998	5	168 & 169	522 Sq.yards	Ratnama Chary	1252/1998, dt:11-03-1998	M/s.B.Pedda Narasimha Reddy and B.China Penta Reddy
Plaintiff No.2	5689/1998, dt:5-11-1998	4	168 & 169	470 Sq.yards	G.Laxmi	1253/1998, dt:11-03-1998	M/s.B.Pedda Narasimha Reddy and B.China Penta Reddy
Plaintiff No.3	5690/1998, dt:5-11-1998	3	168 & 169	420 Sq.yards	G.Vijay Kumar	1254/1998, dt:11-03-1998	M/s.B.Pedda Narasimha Reddy and B.China Penta Reddy

6. The 3 plots are contiguous plots and were purchased under 3 different sale deeds in the name of plaintiffs herein. From the date of purchase they are in possession and enjoyment of the same. It is stated that the suit schedule land along with other area is joint patta land of B.Pedda Narasimha Reddy, B.China Penta Reddy and B.Dharma Reddy. The said Dharma Reddy is husband of defendant No.1 and father of defendants No.2 to 5. After division between the share holders the schedule land though fell to the share of B.Pedda Narasimha Reddy and B.Chinna Penta Reddy, late Dharma Reddy who is husband and father of defendants herein started asserting rights over certain extent of suit

schedule land. On the advise of village elders all the share holders sat together and decided themselves to arrive at an agreement. On the request of Dharma Reddy he was provided an area of 800 Sq.yards which is plot Nos.3 & 4 in Sy.No.169 at Badangpet village. But he was not willing to keep the said extent and offered to sell away the said extent. Upon which Pedda Narasimha Reddy agreed to purchase the said extent from Dharma Reddy. Accordingly Dharma Reddy alienated 800 Sq.yards under registered sale deed bearing document No.7018/1994, dated 20-06-1994 in favour of Pedda Narasimha Reddy.

7. Prior to this incident Pedda Narasimha Reddy and B.China Penta Reddy got divided the entire extent which was common in between them and formed a layout, which was duly approved by the Grampanchayath. The entire extent apart from the suit schedule properties were made into plots (Plot Nos.1 to 6 shown in the lay out). After getting division of the entire lands into plots, Dharma Reddy started asserting right as stated supra. Thus the extent of plot Nos.3 & 4 which is admeasuring 800 Sq.yards was allotted and a sale deed was executed by Pedda Narasimha Reddy in favour of Dharma Reddy. Late Dharma Reddy subsequently sold same property of Pedda Narsimha Reddy and so he is no way concerned to the suit schedule property either in respect of the title or in respect of the possession.

8. The extent of Plot No.3 & 4 got increased due to addition of their vendors patta land and the plaintiffs decided to purchase the adjoining land there. Although earlier extent of plots Nos.3, 4 & 5 is only 1252 Sq.yards, but the sale deed shows more extent i.e., 1412 Sq.yards, which is also shown in the layout. The plaintiffs and their vendors were in possession and enjoyment of the said extent from the date of purchase and earlier to their purchase their vendors were also in possession and enjoyment of the same extent as lawful owners and possessors of the same.

9. In view of the hike of the market value of the suit schedule land, B.Dharma Reddy during his life time at the instance of his wife and children had an evil eye and created several documents in respect of the suit schedule property which are void abinitio, as he himself alienated the suit schedule land to Pedda Narasimha Reddy.

10. Subsequent to the purchase appellants / plaintiffs herein got erected board in their names and also displayed their mobile numbers stating that the said area belonged to them. They erected fencing for the entire extent of the schedule property and got filed photographs. Subsequent to the death of Dharma Reddy the defendants who are legal heirs started disturbing their possession over the suit schedule property in order to knock away the same. They also took the assistance of police

and made an application dated 12-07-2016 wherein defendant No.1 categorically admitted that the plaintiffs are in possession and enjoyment of the suit schedule land. The police summoned plaintiffs and when the documents were shown they directed the defendants to approach the civil court to resolve their dispute.

11. In the month of August, 2016 instead of pursuing their right, with the aid and assistance of unsocial elements of the village they tried to evict the plaintiffs from the suit schedule property. With great difficulty the high handed acts were averted. Left with no other go the present suit is filed. It is further stated that having sold the property to Pedda Narasimha Reddy the defendants have no right, title in respect of the suit schedule property. All the documents were created purposely to defeat the rights and interest of the appellants herein and only to have monetary gain. Hence prayed the court to grant the relief as sought for.

12. Defendant No.3 got filed written statement and other defendants filed memo adopting the written statement of the defendant No.3. It is pleaded that suit is not maintainable in law or on facts. It is contended that the suit is filed with a malafide intention to deprive the legitimate rights of respondents / defendants. The plaintiffs suppressed material facts before the court and they did not approach the court with clean hands. On the said ground the suit is liable to be dismissed.

13. It is further pleaded that the plaintiffs did not file any document that they are in immediate possession of the suit property as on the date of filing of the suit. The documents filed by the plaintiff are self serving documents and not valid in the eye of law. The husband of the defendant No.1 father of defendants No.2 to 5 got an extent of 46 guntas in Sy.No.168 and an extent of 10 guntas in Sy.No.169, totaling to 56 guntas. Out of 56 guntas 37 guntas were sold to Padmavati, retaining 19 guntas from both the survey numbers. 9 guntas in Sy.No.168 is still in the name of their grandfather who is father-in-law of 1st defendant. Relevant pahanies relating to the same are filed.

The calculation is as under:-

A		B
1 gunta	=	121 Sq.yards
19 guntas (19X121)	=	2299 Sq.yards

14. Out of 2299 Sq.yards the father of defendants No.2 to 5 sold 800 Sq.yards to Pedda Narasimha Reddy under document No.7018 of 1994, dated 23-06-1994. The balance of 1499 Sq.yards is still intact as a single piece of land and it is in their active possession and enjoyment.

15. The respondents / defendants are enjoying the property by fencing it with barbed wire and poles. The plaintiffs taking undue

advantage of the sale deed in the name of Pedda Narasimha Reddy for an extent of 800 Sq.yards, created three documents by adding some other names involving them in subsequent registered sale deeds. In fact China Penta Reddy and Pedda Narasimha Reddy have no land in Sy.nos.168 & 169 except One gunta and 3 guntas. They sold it to B.Anitha and C.Padmaja vide document bearing No.3939/1998, dated 30-07-1998 and B. China Penta Reddy also sold an extent of 103 Sq.yards to one G.Mogalamma vide document bearing No.531/2020, dated 25-01-2020. Thus China Penta Reddy and Pedda Narasimha Reddy do not have an inch of land in the said Survey numbers.

16. The plaintiffs herein have pressed into service false and fake documents and suppressing material facts obtained exparte interim injunction order. Under the guise of the interim orders they are trying to grab the property without any iota of evidence regarding possession. The mischief played by plaintiffs is causing untold agony and hardship to them.

17. The persons who approaches the court for grant of injunction must come with clean hands and must plead equity in golden scales. Since the plaintiffs have not approached the court with clean hands, they prayed the court to dismiss the suit with costs and to direct the plaintiffs to pay exemplary costs as provided under Section 35-A of C.P.C.

18. On the basis of above pleadings and documents available on record, the trial court framed the following issues:-

- 1. Whether the plaintiff is in possession over the suit schedule property as on the date of filing of the suit?**
- 2. Whether the plaintiff is entitled for perpetual injunction, as prayed for ?**
- 3. To what relief ?**

19. During the course of trial, the plaintiffs got examined the 1st plaintiff as PW.1 and their vendor Pedda Narasimha Reddy as PW.2 and exhibited 47 documents. No oral or documentary evidence was adduced by the defendants/ respondents.

20. After full fledged trial and arguments the trial court dismissed the suit. Aggrieved by the same the present appeal.

21. Written arguments filed by the counsel for appellants and no representation is made by the respondents. The counsel for appellants urged before the court the grounds of appeal that he mentioned in the petition.

22. This court heard arguments on either side and perused the record.

23. ***The point that arises for consideration in this appeal is :***

i) Whether the impugned judgment and decree dated 28-01-2019 passed by the learned I Addl. Junior Civil Judge, Ranga Reddy District at L.B.Nagar vide O.S.No.605/2016, suffers from any irregularity, illegality warranting interference by this court ?

ii) To what relief ?

POINT No.1:-

24. Injunction is an equitable relief. In suits of this nature appellants / plaintiffs must succeed the case on their own strength and cannot depend on weakness of respondents / defendants. They must approach the court with clean hands and establish their possession over suit schedule property as on the date of filing of the suit. The initial burden rests on appellants / plaintiffs and then burden shifts.

25. In the instant case the appellants submitted that Exs.A1 to A9 clinchingly establish their right and possession over property and they being family members purchased property under three registered sale deeds. Respondents being legal heirs of Dharma Reddy have set up rival claim. It is urged that suit property is vacant plots and there will no documentary evidence to prove possession. Their title is substantiated by exhibiting registered sale deeds.

26. Relied upon decisions reported in :

2018 Civil Court Cases – 68

Held: Possession – person who is in settled possession cannot be dispossessed even by true owner without due process of law.

2014 (4) ALD 208

Held: Sec 52 – Bonafide purchaser is entitled to protection of property purchased by them

27. Per contra respondents case is that vendors vendor of appellants had no such extent to sell the property and taking undue advantage of sale deed executed by Dharma Reddy registered sale deeds are executed/ obtained for more extents though such extent is not in existence. Unless possession is established relief of injunction cannot be claimed and hence sought for dismissal of suit.

28. It is understood from the above that respondents / defendants are seriously disputing not only the extent of land claimed by appellants, but are also placing rival claim over schedule property. In such a situation the settled legal proposition is in suit for injunction the court can also incidentally deal with title over property. When there is cloud over title it must be dispelled by those who are claiming the same.

29. Relationship between parties is not disputed. The case of appellants is that Pedda Narasimha Reddy and China Penta Reddy sold

the property to Ratnamachary and his family under three sale deeds and they in turn purchased the same under three registered sale deeds and from the date of purchase they are in possession and enjoyments of the same. Same is strengthened by Exs.A1 to A6. The respondents / defendants did not enter into witness box to substantiate their defence and so an adverse inference has to be drawn against them that whatever pleaded is not correct. The trial court failed to appreciate the said facts and erroneously dismissed the suit. Hence prayed to set aside the judgment.

30. It is relevant to look into oral and documentary evidence on record.

31. PW.1 (Gade Veera Reddy) who is appellant/ plaintiff No.1 reiterated the averments of plaint in his chief examination affidavit and at para 10 mentioned that extent of plot No.3 & 4 have been increased due to addition of patta land pertaining to vendors, due to which extents of plot numbers have been changed. Though earlier total extent of plots 3, 4 & 5 is only 1252 Sq.Yards, but sale deeds shows more extent i.e., 1412 Sq.yards which is also shown in layout. At para 9 it is pleaded that Pedda Narasimha Reddy and China Penta Reddy made a layout duly approved /sanctioned by the then Grampanchayat. When Dharma Reddy asserted his right plot No.3 & 4 which is an extent of 800 Sq.yards was

allotted to him and registered sale deed was executed by Pedda Narasimha Reddy, but Dharma Reddy in turn sold the same to Pedda Narasimha Reddy.

32. At this juncture it is appropriate to look into the evidence of PW.2 who is vendor's vendor of plaintiff herein. This witness in his chief examination affidavit stated that entire extent of land in Sy.Nos.168 & 169 was sold out by all the share holders and only a little bit extent was retained by him and China Penta Reddy. Subsequently they decided to sell away the said extent and formed a layout which was duly approved by Gram Panchayat in the year 1981. He is a crucial witness who produced Ex.A9. Ex.A9 is the original layout plan which was approved by the Grampanchayath, Badangpet. It was stated that Dharma Reddy who is the husband of defendant No.1 and father of defendants No.2 to 5 made a claim over property and to compensate the same an extent of 800 Sq.yards was given on the advice of the village elders and to avoid unnecessary disputes. He also stated that Dharma Reddy intended to sell away the said extent in the year 1994 and he came forward and purchased the said extent of 800 sq.yards under registered Sale deed bearing document No.7018/1994, dated 20-06-1994 to keep the plots intact in accordance with layout which he got sanctioned.

33. Thus in view of the sale transaction made by Dharma Reddy the entire extent was with them only. Therefore in view of sale deed by Dharma Reddy he or his family had no extent whatsoever in the said survey numbers i.e., 168 and 169 as the rest of the area was sold out by all the share holders and some portion went for the formation of approach roads. It is further stated that PW.2 (Pedda Narasimha Reddy) and China Penta Reddy Jointly sold Plot NO.5 which is admeasuring 522 Sq.yards to Ratna Chary and others under Exs.A4 to A6, who inturn sold the same to the plaintiffs herein.

In the cross-examination it was elicited as “ I am having 2 guntas of land in Sy.No.168 and 1 gunta of land in Sy.No.169. It is true I am having only 3 guntas of land in total in both survey numbers 168 & 169. Ex.A9 was issued by the Panchayath to me in the year 1981. Ex.P9 discloses the signature of Sarpanch, as issuing authority. An extent of 5 guntas of land approximately belongs to the China Penta Reddy in Sy.No.168. An extent of 3 guntas of land approximately belongs to the China Penta Reddy in Sy.No.169. It is true I mentioned in my evidence affidavit 800 Sq.yards given to Bheemidi Dharma Reddy. The said Dharma Reddy came to me and China Penta Reddy and asked us his property was involved in the layout made by us. So my self and share holder in the Sy.Nos.168 and 169 gave an extent of 800 Sq.Yards to the said Dharma Reddy as decided by us. Prior to made the layout by

us we decided to give 800 Sq.yards to the Dharma Reddy and the same was given to him.

After allotment of 800 Sq.yards to Dharma Reddy we never in possession of the said 800 Sq.yards. I do not remember the number of layout. It is true I did not file any document to show that I am having 3 guntas of land in Sy.No.168 & 169. I sold away the property to Ratnamachary his wife and son but I do not remember exactly but the extent is 1400 Sq.yards. I did not give link documents of my property to the said Ratnamachary and his family members. I do not remember how much land in each Sy.nos.168 & 169 sold to Ratnamachary and his family members. Witness adds that the details of land not covered in the layout. I am no way concerned to the land in Sy.No.168 & 169. I know the plaintiff No.1 since the date of his purchase of plot. I know the suit is coming to trial through plaintiff No.1. The Badangpet village is situated in Ranga Reddy District. It is true Ex.A9 discloses Hyderabad East. It is true Ex.A9 is the only layout made by me and China Penta Reddy in respect of Sy.No.168 and 169. It was elicited as :

Q. On which side of layout Ex.A9 the 800 Sq.yards given to Dharma Reddy ?

Ans: On the Western side of the layout an extent of 800 Sq.yards was given abutting to the 30 feet road. Witness adds that 30 feet road is situated on the Western side of the layout and to the eastern side of the road.

In the year 1981 myself and Chinna Penta Reddy made layout in Sy.No.168 & 169. At the time of obtaining the layout we made application to the Grampanchayath Badangpet. Whenever we made the application to the Grampanchayath for layout we have shown pahanies and pass books to the Gram Panchayat in the year 1981. We did not file any certified copy of pass book and pahanies to the Grampanchayat. Witness adds that the Gram Panchayat has taken xerox copies of pass books and pahanies from them. After three months of our application the Grampanchayat sanctions layout. The Gram Panchayat gave the layout copy. Ex.A9 is the Layout copy issued by the Gram Panchayat, Badangpet. The signature in Ex.A9 belongs to me. It also discloses the signature of B.Penta Reddy. It is not true to say that the said B.Penta Reddy has not signed in Ex.A9, subsequently we prepared Ex.A9 and filed before the court for the purpose of this case. I own Ac.7-20 gts., in Sy.No.165 to 169. I do not remember how much extent specifically I own in Sy.No.168 and 169.

34. Now coming to the evidence of PW.1 he reiterated the plaint pleadings and in the cross-examination it was elicited as "It is true B.Pedda Narasimha Reddy, Chinna Penta Reddy and Dharma Reddy are natural brothers. Witness adds that the above 3 persons natural brothers but their fathers are different. I am not aware how much extent the above

said 3 brothers are having in Sy.No.168 & 169. I do not know whether the said 3 brothers B.Pedda Narsimha Reddy, Chinna Penta Reddy and Dharma Reddy are natural brothers or there is any relationship among them. One gunta means 121 Sq.yards. There is a layout to the suit schedule plots. I came to know from the known person about the existence of layout for the suit schedule plots. I did not file any documents to show my possession on the date of filing of the suit. Witness adds that after purchasing suit schedule plots vacant land tax was recovered from him about 5 or 6 years later no vacant land tax was paid by him as the government lifted the vacant land tax. I did not file any receipt for payment of vacant land tax about 5 or 6 years prior to lifting the vacant land tax by the government. It is true I deposed in my chief examination in para No.10 true and correct. I obtained EC prior to the date of sale transactions in respect of suit schedule plots. But I did not file the EC before the court. Prior to my purchase I did not verify revenue records. I fenced the suit schedule plots in the year 2016 in the month of April. I did not file any document to show that I purchased the barbed wire to fence the suit schedule property. I received the caveat on the file of Hon'ble DJ, Senior Civil Judge and JCJ. I did not mention in my plaint pleadings about the receipt of caveat on the file of Hon'ble DJ, Senior Civil Judge and JCJ."

35. Now it is appropriate to look at the documentary evidence placed by the plaintiffs. Exs.A1 to A3 are the 3 registered sale deeds pertaining to the three plaintiffs /appellants herein. Exs.A4 to A6 are the link documents to Exs.A1 to A3 i.e., their vendors documents. The boundaries in Exs.A1 to A6 are as under:

Exhibit Number and Document No.	Plot No.	Parties names with boundaries	Link document Number and date	(Ex.No./ Plot No.)	Parties name with boundaries
Ex.A1, Doc.No.5699/1998 dt:05-11-1998	5	Sri G.Ratnama Chary in favour of Gade Veera Reddy NORTH: Plot No.4 SOUTH: Neighbours Land EAST : 30' Wide Road, WEST : Neighbours land.	Doc. No. 1252/1998 dt:12-03-1998	Ex.A4, Plot No.5	B. Pedda Narsimha Reddy and B. Chinna Penta Reddy In favour of Sri G.Ratnama Chary NORTH : Plot No.4, SOUTH:Neighbours Land, EAST :30' Wide Road, WEST : Neighbours Land.
Ex.A2 Doc.No.5689/1998 Dt: 5-11-1998	4	Smt. G.Laxmi In favour of Gade Sujatha NORTH : Plot No.3, SOUTH : Plot No.5, EAST : Neighbours Land WEST :30' Wide Road,	Doc. No. 1253/1998 dt:12-03-1998	Ex.A5, Plot No.4	B. Pedda Narsimha Reddy and B. Chinna Penta Reddy In favour of Smt. G.Laxmi NORTH : Plot No.3, SOUTH : Plot No.5, EAST : Neighbours Land WEST : 30' Wide Road,
Ex.A3 Doc.No.5690/1998 dt: 05-11-1998	3	Sri G.Vijay Kumar in favour of Gade Narasimha Reddy NORTH : 15' Wide Road, SOUTH : Plot No.4, EAST : Neighbours Land WEST : 30' Wide Road,	Doc. No. 1253/1998 dt:12-03-1998	Ex.A6, Plot No.3	B. Pedda Narsimha Reddy and B. Chinna Penta Reddy In favour of Sri G.Vijay Kumar NORTH : 15' Wide Road, SOUTH : Plot No.4, EAST : Neighbours Land WEST : 30' Wide Road,

36. Ex.A7 is the registered sale deed bearing document No.7018/1994, wherein it shows that Dharma Reddy sold an extent of

800 Sq.yards i.e., plot Nos.3 & 4 in Sy.No.168 & 169 with specific boundaries to Pedda Narasimha Reddy (PW.2). The boundaries in this documents are as under :

Ex.A7 : SCHEDULE OF PROPERTY

All the piece and parcel of land bearing plot No.3 & 4, admeasuring 800 Sq.yards or 668.8 Sq.Mtrs., in Sy.Nos.168 Part and 169 Part, situated at Badangpet Village, Saroornagar Revenue Mandal, Ranga Reddy District under Badangpet Grampanchayat Registration Sub District Hyderabad East, and bounded by :-

NORTH	:	Land of B.Pedda Narsimha Reddy,
SOUTH	:	Land of Owner's B.Dharma Reddy,
EAST	:	Land of Bhimidi Chinna Penta Reddy,
WEST	:	30' Wide Road.

37. Ex.A9 is a crucial document which was produced by PW.2. This is the layout plan which was issued by the Grampanchayat Badangpet. A glance at Ex.A9 reveals that Plot Nos.3, 4 & 5 are contiguous to each other. There is 30' Road on East and nothing is depicted on the West side. When the boundaries in Exs.A2 & A3 are taken into consideration they clearly reveal that there is 30' Road on one of the sides, but it clearly varies with Ex.A1. When three plots are contiguous to each other as per the layout Ex.A9, there must be 30' Road on the Eastern side. But Exs.A2 & A3 depicts neighbours land on

‘Eastern” boundaries. Thus these boundaries when compared with layout Ex.A9 clearly falsifies the case of plaintiffs that they are contiguous plots.

38. It is settled proposition of law that boundaries prevail over the extent. PW.2 in his evidence stated that 800 Sq.yards land sold to Dharma Reddy was again purchased and it is plot No.3, 4 and they were kept intact for layout. The plan annexed to Ex.P7 shows that these are two plots shown as Plot Nos.3 & 4, 400 Sq.yards each and Eastern boundary is 30’ Road. When Ex.A9 is compared with Ex.A7, the extent of plot No.3 is shown as 418 Sq.yards and extent of Plot No.4 is shown as 416 Sq.yards and extent of Plot No.5 is shown as 418 Sq.yards. As per Ex.P9 the total extent of three plots (Plot Nos.3, 4 & 5) is 1252, but the plaint schedule shows an extent of 1412 Sq.yards with common boundaries for all the three plots. This extent is disputed by the defendants stating that the vendors of the plaintiffs and their vendor’s vendor had no extent of land to sell the same to the appellants. When such is the contention raised by the respondents / defendants it is for the plaintiffs who approached the court to establish that the extent shown in the suit schedule is located on the ground within the boundaries specified. The trial court in its judgment elaborately discussed that the plaintiffs having approached the court, did not explain how pattedars got more extent then they are entitled to.

39. Also Pws.1 & 2 admitted in their cross-examination that Pedda Narasimha Reddy is owning only 2 guntas of land in Sy.No.168 and One gunta land in Sy.No.169. It was also mentioned that Chinna Penta Reddy and PW.2 sold an extent of 434 Sq.yards to Anitha and C.Padmaja under registered sale deed document bearing No.3939/1998, dated 30-07-1998. Also a document was executed by China Penta Reddy for an extent of 103 Sq.yards in Sy.Nos.168 & 169 to one G.Mogalamma under registered sale deed document bearing No.531/2000, dated 25-12-1999. Thus both brothers Pedda Narasimha Reddy and China Penta Reddy, had no extent of land in both survey numbers. Ex.A10 to A37 depicts the same extents in the pahanies. So when respondents / defendants are claiming that the plaintiffs are not owning any such land as claimed and the property is not located on the ground as shown within boundaries the burden is on the appellants herein to prove their possession and enjoyment over the suit schedule property, as on the date of filing of the suit. On one hand they admit that their vendors vendor had only 1200 Sq.yards land, but on the other hand they claim an extent of 1412 Sq.yards which means they approached the court by suppressing the material facts. Ex.A9 shows the extent of 3 plots as $418+418+416 = 1252$ Sq.yards. When more extent is claimed stating that the pattedars land is merged with the plots, then they ought to have gone to localization of property or to have exhibited such documents

which reflects that their vendors vendor owned land in those two survey numbers and their patta land got merged with the suit property. In the absence of documentary evidence only on the self serving statements, the court cannot grant equitable relief of injunction.

40. Having discussed all the above aspects with regard to the possession, extent and also the admissions made by the witnesses in their evidence the trial court has rendered the judgment correctly. There is no material irregularity, illegality committed by the trial court in passing its judgment and thus requires no interference.

POINT No.2:-

41. In the result, the Appeal suit is dismissed confirming the Judgment and decree passed by the I Addl. Junior Civil Judge, Ranga Reddy District in O.S.No.605 of 2016, dated 28-01-2019. Each shall bear their own costs.

Dictated to the Stenographer Gr. 1, transcribed by her and corrected and pronounced by me in the open Court on this the 10th day of September, 2025.

**Spl. Sessions Judge for Trial
of cases under SCs & STs (POA) Act-
cum- VII Addl. Dist. & Sessions Judge,
Ranga Reddy District**

Appendix of Evidence

-Nil-

**Spl. Sessions Judge for Trial
of cases under SCs & STs (POA) Act-
cum- VII Addl. Dist. & Sessions Judge,
Ranga Reddy District.**

