

**IN THE COURT OF THE PRL. JUNIOR CIVIL JUDGE-CUM-IV ADDL.
METROPOLITAN MAGISTRATE, MEDCHAL-MALKAJGIRI, UPPAL AT
LB NAGAR.**

Present: **Smt. K. Sowjanya**
Prl. Junior Civil Judge-cum
IV Addl. Metropolitan Magistrate,
Medchal-Malkajgiri
Uppal at LB Nagar.

Monday the 29th day of January, 2024.

Original Suit No.26 of 2022.

Between:

Kundur Vidyasagar Reddy S/o. K. Ram Reddy
Represented by his GPA Holder
Athati Srisailm Goud S/o. A. Laxmaiah
Aged about 49 years, Occ: Business,
R/o.H.No.4-6-8/5, Veersavarkar Nagar,
Nacharam, Hyderabad – 500 076.

.....Plaintiff.

A N D

Kambar Surender S/o K. Mohan
Aged about 30 years, R/o.H.No.3-44/1,
Nacharam Village, Uppal,
Hyderabad – 500 076.

.....Defendant.

*This case came before me for disposal in the presence of **Sri S. Srinath, learned counsel for plaintiff and defendant is set exparte** and upon perusing the material papers on record, stood over for consideration, till this day, this court delivered the following:*

JUDGMENT

This is a suit filed by the plaintiff through his GPA holder against the defendant seeking perpetual injunction restraining him, his henchmen, agents, friends, relatives, servants, neighbours or any other persons claiming through him from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property i.e. open plot bearing No.63 admeasuring 333 Sq. yards equaling to 278.42 Sq. meters situated in survey No.240 at Ward N.4, Block No.1, GHMC, Kapra Circle at Bhavani Nagar, Nacharam Village of Uppal Revenue Mandal.

2. The case of the plaintiff in brief is that he is the owner and possessor of open plot bearing No.63 admeasuring 333 Sq. yards i.e. the suit schedule property having purchased the same from his vendor Smt. Kundur Sulochana W/o. K. Ram Reddy through the registered sale deed bearing document No.14949 of 2021 dated 08.09.2021 and

mutation is also effected in the name of plaintiff. The vendor of plaintiff has purchased the said property through agreement of sale dated 16.03.1984 from Smt. Chancharam Vajramma W/o. C. Narsimha Reddy for valuable sale consideration and delivered physical possession. Thereafter, the vendor of the plaintiff who is none other than his mother has validated the above said notarized agreement of sale before the District Registrar, Medchal – Malkajgiri District by paying deficit stamp duty amount of Rs.43,200/- to which the District Registrar has validated vide File No.5132 of 2021 dated 02.07.2021. Since the date of purchase the plaintiff is in peaceful possession and enjoyment of the suit schedule property. He got constructed compound wall around the same and also one room with fiber sheet and also obtained electricity connection. Due to his preoccupation of other administrative works, the plaintiff is unable to pursue the property and so he has executed General Power of Attorney in favour of Sri Anthati Srisailam Goud vide registered GPA bearing document No.8109 of 2022 dated 27.05.2022. The suit plot was filled with the wastage and espalier trees. On 10.06.2022 the plaintiff's GPA was getting cleaned the said plot with the help of workers, but the defendant without any right or authority tried to trespass into the suit schedule property, the plaintiff has resisted his attempts with great difficulty, but the defendant left the suit property threatening the plaintiff to dispossess him. The plaintiff approached the police, but they did not take any action saying that the matter is civil in nature. Hence, the suit.

3. The defendant was set exparte as there is no representation on his behalf.
4. The GPA holder of plaintiff is examined as PW-1 and Ex.A1 to A5 are marked through him.
5. Heard the learned counsel for the plaintiff.
6. Now the point for determination is whether the suit can be decreed as prayed for?

Point:

7. The GPA holder of plaintiff has filed chief affidavit as PW-1 in lieu of his chief-examination wherein he has reiterated the averments of the plaint. He got

marked Ex.A1/certified copy of registered sale deed bearing document No.14949 of 2021 dated 08.09.2021, Ex.A2/certified copy of registered General Power of Attorney bearing document No.8109 of 2022 dated 27.05.2022 and Ex.A3/encumbrance certificate, dated 12.06.2022, and Ex.A5/certified copy of EC pertains to the suit schedule property dated 13.11.2023, showing that there is no alienation of the suit property since the date of purchase of it by the plaintiff. Ex.A4 is the certified copy of certificate of transfer/mutation dated 15.11.2023 issued by Sub-Registrar showing that the suit schedule property is mutated in the name of plaintiff herein. This oral and documentary evidence adduced by the plaintiff clearly shows that he is in lawful possession of the suit property as on the date of filing of the suit and hence he is entitled for the relief of perpetual injunction as prayed for. This evidence adduced by the plaintiff is not challenged as PW-1 is not cross-examined. Hence, the plaintiff is entitled for the relief claimed by him. The point is answered accordingly.

8. In the result, the suit is decreed in favour of the plaintiff and against the defendant perpetually restraining him, his servants, henchmen, agents etc., from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property.

No costs.

Typed to my dictation, corrected and pronounced by me in the open court on this the 29th day of January, 2024.

**Prl. Junior Civil Judge -cum -
IV Addl. Metropolitan Magistrate
Mechal- Malkajgiri District
Uppal at L.B.Nagar.**

APPENDIX OF EVIDENCE

WITNESSES EXAMINED

For plaintiff:

PW-1 : Athati Srisailm Goud

For defendant:

- None -

EXHIBITS MARKED

For plaintiff:

Ex.A1 : Certified copy of the registered sale deed bearing document No.14949 of 2021 dated 08.09.2021.

Ex.A2 : Certified copy of registered General Power of Attorney bearing document No.8109 of 2022 dated 27.05.2022.

- Ex.A3 : Encumbrance certificate with respect to the
 suit schedule property, dated 12.06.2022.
- Ex.A4 : Certified copy of certificate of transfer/mutation
 dated 15.11.2023.
- Ex.A5 : Certified copy of encumbrance certificate pertains
 to the suit schedule property dated 13.11.2023.

For defendant: - Nil -

**Prl. Junior Civil Judge -cum -
IV Addl. Metropolitan Magistrate
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Uppal at L.B.Nagar.**