

**IN THE COURT OF THE CHAIRMAN, LRAT-CUM-II ADDL. DISTRICT AND
SESSIONS JUDGE, RANGA REDDY DISTRICT AT L.B.NAGAR**

PRESENT: Smt.Chiranji Ashalatha
Chairman, LRAT-cum-
II Additional District & Sessions Judge
R.R.District at L.B.Nagar.

Saturday, this the 25th day of July, 2026

EXECUTION PETITION NO.49 OF 2025

IN

O.S.NO.1155 OF 2018

BETWEEN:

1. Guvvala Shyam Kumar (Died)
2. Surakanti Jangareddy
3. Bonagiri Francisca
4. Guvvala Rohith
(Decree Holders no.3and4 are impleaded as per orders dated 30.01.2026 in
EA No.5/2026)

...Decree Holders

AND

1. Mukesh Agarwal
2. Komal Agarwal

...Judgment Debtors

This Execution Petition is coming up before me on 08.07.2026 for final hearing in the presence of **Sri G.V.Ramana Murthy**, Advocate for the Decree Holders and of **Sri Venkata Praveen Pati**, Advocate for the Judgment Debtor No.1 and Judgment Debtor no.2 remained exparte and after hearing and on perusing the material record, this Court made the following:

ORDER

1. This execution petition filed for execution of sale deed in accordance with the decree passed in O.S.No.1155/2018 in respect of EP schedule property.
2. The petitioners/Decree holders case is as follows: Originally the deceased Decree holder filed suit in O.S.No.1155/2018 for grant of specific performance of contract in respect of EP schedule property. After trial, the said suit was decreed in favour of the decree holder by directing the JDrs to execute sale deed in respect of EP schedule property, after receiving the balance sale consideration of Rs.62,00,000/- within two months from the date of passing judgment dated

18.03.2025. As per the direction the amount was deposited through challan. In spite of requests the Judgment debtors did not execute the sale deed and intentionally violated the decree passed by this court. Hence, this petition.

3(i). The respondent/JDr no.1 filed counter as follows: Jdr no.2 is his wife. The decree holders did not raise any dispute regarding difference of measurement i.e. 825.5 sq.yards. The decree holders did not pay a single paisa to them. The schedule property is not in his possession now. He executed a registered sale deed bearing no.5304/2019 on 05.08.2019 in favour of A.K.Sai Charan and he paid total sale consideration through cheques only. But those cheques were dishonoured subsequently and his whereabouts are not known. When he approached Dhr for registering the same to him, he informed that he came to know recently that already two to three transactions are made in respect of schedule property. On his information, he verified EC and prepared to take legal action against them for declaring those sale deeds as null and void. Therefore, he prays to dismiss this E.P.

3(ii). The judgment debtor no.2 remained exparte.

4. I have heard both sides and perused the material on record.

5. Now the point for consideration is:

“Whether the Decree Holders are entitled to seek the relief as sought for?”

6. **POINT:** As per the decree holders the amount was deposited as directed in decree passed in O.S.No.1155/2018, however the judgment debtors failed to execute the sale deed in respect of schedule property. The respondent no.1 contends that the deceased decree holder did not choose to bring notice about the difference of measurement. The execution court cannot go beyond the decree. It

is not the case of the respondent no.1 that they preferred an appeal against the judgment and decree passed in O.S.No.1155/2018. Therefore, the contention of the respondent no.1 cannot be considered at this stage. Further, the respondent no.1 has taken a specific contention that the property was already sold to some third party in the year 2019 under a registered sale deed and now he is not in possession of the property, thereafter, on enquiry he came to know that two to three sale transactions were held in respect of schedule property. It is clear that all those transactions were entered during the pendency of suit in O.S.No.1155/2018, therefore those transactions hit by rule of lis pendens. In such circumstances, it is held that the petitioners/decreed holders are entitled to seek the relief as sought for. Accordingly, this point is answered in favour of the petitioners/Dhrs and against the respondents/JDs.

7. **In the result**, the petition is allowed. For deposit of necessary stamps and registration fee, call on 11.08.2026.

(Typed to my dictation by the Stenographer, corrected and pronounced by me in the open Court, on this the 25th day of July, 2026)

-Sd/XXXXXXXXXX

**II ADDITIONAL DISTRICT AND SESSIONS JUDGE
R.R.DISTRICT AT L.B.NAGAR**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR DECREE HOLDER:

None

FOR JUDGMENT DEBTOR:

None

EXHIBITS MARKED

FOR DECREE HOLDER:

- NIL -

FOR JUDGMENT DEBTOR:

- NIL -

-Sd/XXXXXXXXXX

**II ADDITIONAL DISTRICT AND SESSIONS JUDGE
R.R.DISTRICT AT L.B.NAGAR**