

**IN THE COURT OF THE XIX ADDITIONAL SENIOR CIVIL JUDGE,
CITY CIVIL COURT, AT SECUNDERABAD.**

DATED THIS THE 27th DAY OF JANUARY, 2026

**PRESENT: SRI. R. RAJ KUMAR
III SENIOR CIVIL JUDGE
FAC XIX ADDL. SENIOR CIVIL JUDGE**

O.S. No.300 of 2016

Between:

T. YADAGIRI,
S/o. Late Sri T. Lachmaiah @ Laxmaiah,
Occ: Pvt Employee, aged about 64 years,
R/o. H.No.3-7-211, (New No. 5-11-376) Kakaguda,
Trimulghiri Post, Secunderabad-15, Telangana State. ...Plaintiff

AND

1. T. MUTHYALU,
S/o. Late Sri Lachmaiah @ Laxmaiah,
Occ: Retd., Employee, aged about: 69 years,
R/o. H.No.3-7-210, (New No. 5-11-375)
Kakaguda, Trimulghiri Post, Secunderabad-15,
Telangana State.

2. Smt K. VASANTHA,
W/o. K. Sivaiah, and Daughter of Late T. Lachmaiah @ Laxmaiah,
aged 51yrs, R/o. H. No. 4-31, Dundigal Village,
Gandimaisamma (M) Medchal District-43.

3. Smt N. UMA, W/o. Sri N. Bikshapathi
and D/o. Late T. Lachmaiah @ Laxmaiah,
Aged 59 yrs, R/o. H. No. 3-7-214, Kakaguda,
near Maisamma Temple, Kharkhana,
Tirmulghiri Mandal, Secunderabad-15 ...Defendants
(D2 & D3 Amended as per orders In I.A.No.139 of 2019, dt.08.01.2020)

This Suit is coming on this day before me for final disposal in the presence of **Sri M. K. Sridhar Goud**, the learned Advocate for the plaintiff and **Smt. Vasudha Nagaraj**, the learned Advocate for the defendants and the matter having been heard and stood over for consideration till this day, this court delivered the following:-

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

1. This suit is filed for preliminary decree of partition and for allotting Schedule-A property to the plaintiff and Schedule-B property to the defendant No.1 and also for recovery of sum of Rs.72,000/- from defendant No.1 towards mesne profits from 01.11.2013 to 30.11.2016 @2,000/- per month for utilizing two rooms in a Schedule-A property.

2. The averments of the plaint in brief are as follows:

That the defendant is the elder brother of plaintiff. That the plaintiff and the defendant are the sons of Late Sri T. Lachmaiah @ Laxmaiah and Smt. Ramulamma. That the landed property which is an ancestral property belongs to Sri T. Lachmaiah @ Laxmaiah bearing Nos. H. No. 3-7-210 (New No. 5-11-375) and 3-7-211 (New No. 5-11-376), having two blocks consisting of ground and First Floor with appurtenant land admeasuring 203 Sq yards, situated at Kakaguda Village, Trimulghiri Post, Secunderabad-15 and stands in the name of Smt T. Ramulamma w/o Late Sri T. Lachmaiah @ Laxmalah 1.e., mother of the plaintiff and the defendant. That during the lifetime of Smt T. Ramulamma the said houses were orally partitioned between the plaintiff and defendant in equal. That the

plaintiff and his brother who is defendant herein have orally partitioned the suit Schedule properties and taken over the possession as per the wish of their late mother and enjoying the same. That the defendant is in occupation of H. No.3-7-210(New No.5-11-375) and the plaintiff is in occupation of H. No.3-7-211(New No. 5-11-376) consisting of 7 small rooms in GF and 3 small rooms in First Floor, block 'A' which is in the western side in the Suit Schedule Property. That the eastern side block 'B' of Suit Schedule Property consisting of 3 small rooms in GF and 3 small rooms in First Floor is in the occupation of the defendant.

3. That the plaintiff is having four daughters and son, the defendant is having three sons and a one daughter. That during the life time of Smt T. Ramulamma, she used to live in the plaintiff's house in two rooms (Southern side of H. No.3-7-211, New No.5-11-376) and the plaintiff used to look after his mother's welfare. That after the death of Smt T. Ramulamma in the year 2000, the two rooms were kept unused for certain period as per the advice of the elders to perform some pooja. That after performing pooja, in the presence of community elders the defendant had requested the plaintiff to give two rooms for immediate occupation & pleaded that

the defendant is in urgent need for defendant's family as such the defendant is not having enough rooms to accommodate his family in his house portion & with due respect towards his elder brother the plaintiff has given permission to occupy and to use front two rooms in which the mother of the plaintiff and defendant used to live during her lifetime (Southern side). That at that time the defendant promised and also given a word to the plaintiff that as soon as possible the defendant will construct additional rooms in his share of house portion and hand over the plaintiff's two rooms.

4. That during the life time of late T. Ramulamma also initiated for execution of the partition deed of the above said properties but due to the ill health of their mother, the execution of the deed had not taken place. Thereafter, their mother expired on 11-01-2000 and the matter was pending. That after death of their mother late T. Ramulamma, the plaintiff at many times orally requested defendant to come forward for execution of partition deed of the properties which are still in the name of their mother Smt T. Ramulamma, but defendant have postponing the same for one or the other reasons.

5. That after waiting for more than two years the plaintiff at many occasions from the year 2003 onwards i.e., on 12-01-2003, 05-06-2003, 09-09-2003, 10-12-2004 and to till date, the plaintiff requested the defendant to construct additional rooms in his house portion and vacate his two rooms, but the defendant did not heeded to the plaintiff's request and went on postponing the matter on one pretext or the other and in addition the defendant had deliberately erected and opened a petty shop made of wooden compartment in front of share of the plaintiff's room (Southern side) illegally without having any right but to harass the plaintiff and to cause lots of hardship to the plaintiff. That the plaintiff has given permission to the defendant to occupy the two rooms for limited period but the defendant continued to occupy and use the two rooms beyond the permitted period and since then from 2003 the defendant is in illegal possession of the plaintiff share property. That the defendant is liable to pay Rs.2,000/- per month as being damages for use and occupation of the two rooms which fell on the plaintiff share. That even though the defendant is liable to pay from the year 2003, the plaintiff herein claiming the means profits from 01-11-2013 for a period of three years as per the limitation Act.

6. That with the intervention of the community elders on 14-9-2015 the plaintiff and the defendant both have come to an understanding and mutually agreed to settle the matter amicably by partitioning the house properties including the appurtenant land equally and get it registered in their names respectively and construct new houses independently without causing any disturbance to each other.

7. That after commitment before the community elders the defendant has not come forward for the execution of registered partition deed. That as such the plaintiff repeatedly demanded for execution of registered partition deed with the defendant but there is no positive reply from the defendant. That the plaintiff again put the said matter before the community elders and before Kakaguda Welfare Association. That Kakaguda Welfare Association dated 21-02-2016, has given a letter stating that inspite of repeated intimation given to the defendant to present before the Committee members, the defendant failed to present and advised the plaintiff and that they (Kakaguda Welfare Association) have No objection whosoever for further proceedings. That all the efforts made by the plaintiff are turned out to be futile, it appears that the defendant is

not willing to get registered the house properties in their respective names by settling the issue amicably.

8. That the plaintiff has approached to the concerned authorities of the Cantonment Board for mutation of the properties in their favour as the properties are already partitioned orally and the authorities are advised the plaintiff to bring the proper partition deed in order to effect the changes in the records which are still in the name of late Smt T. Ramulamma. That in order to give effect to the oral partition, a registered partition deed is required. That several times since the year 2003 onwards the plaintiff is demanding the defendant to come forward for partition, but the defendant herein has postponed the same for one or the other reasons. That finally the plaintiff demanded for execution of partition deed on 14-09-2015, and since then demanding for the execution of the partition deed. That but the defendant herein has not come forward for partition. That having vexed with the attitude of the defendant, the plaintiff got issued a legal notice on 02-03-2016 & on 25-05-2016 to the defendant calling upon the defendant to effect the partition in respect of the house properties admeasuring 203 Sq.yds equally in two shares i.e., 101.5 Sq yards covered by house number 3-7-210

(new number 5-11-375) and H. No. 3-7-211 (new number 5-11-376) which includes common area is already in the possession of plaintiff and as well as the defendant as stated below:-

T. YADAGIRI: House bearing No.3-7-211 (new number 5-11-376) and the plaintiff is in occupation of H. No.3-7-211 (new number 5-11-376) admeasuring 101.5 Sq yrds (including common area), consisting of 7 small rooms in Ground Floor in which the defendant is permitted to use 2 rooms, and 3 small rooms in First Floor with appurtenant land, situated at Kakaguda Village, Cantonment Area, Secunderabad.

T. MUTHAYULU: House bearing No. H. No.3-7-210 (new number 5-11-375) and the defendant is in occupation of H. No. 3-7-211 (new number 5-11-375) admeasuring 101.5 Sq yrds, (including common area), consisting of 3 small rooms in Ground Floor and 3 small rooms in First Floor with appurtenant land, situated at Kakaguda Village, Cantonment Area, Secunderabad-15.

9. That the plaintiff issued a legal notice dt.02-03-2016 and 25-05-2016 to Sri T. Muthyalu requesting him to come forward for making a registered partition deed of the house properties and also handover the two rooms to the plaintiff but the defendant is adamant

and not coming forward to settle the matter amicably. That the defendant have received the said legal notices and the defendant have issued a vague and evasive reply notice dt. 02-06-2016 to the plaintiff stating all irrelevant allegations against the plaintiff, and regarding the criminal complaint as alleged in the reply notice of the defendant, the defendant has used his political influence and even though the plaintiff is not present at the spot of quarrel the defendant got FIR registered in the Kharkhana P.S. against the plaintiff. That in the reply issued by the defendant clearly admitted that the house properties left by late T. Ramulamma have been orally partitioned in between sons of late T. Ramulamma and enjoying their respective allotments by paying properties taxes regularly for their respective allotments of house properties as mentioned above. That the house properties are having water connections to their respective houses. Hence the suit.

10. Written statement filed by the defendants denying the averments mentioned in the plaint and stated that the plaintiff is his younger brother and they are sons of Late Sri T Lachmaiah@ Laxmaiah and Smt. T.Ramulamma. That the property in question stands on the name of their mother i.e., Smt. T.Ramulamma, W/o.

Late.Sri T. Lachmaiah @ Laxmaiah. That the plaintiff and defendant during the lifetime of their mother partitioned the suit schedule property by way of an oral agreement in two equal shares way back in the year 1970 itself. That the defendant has been in occupation of H. No.3-7-210 which consists of two rooms in the front with an asbestos roof and a three room house with a RCC roof at the back of the house. Similarly the plaintiff has two rooms with RCC roof and another three room house. That both the plaintiff and defendant have also built rooms first floor. That while the defendant has built three rooms on the first floor, the plaintiff has built two rooms on the first floor.

11. That the two rooms in the front were constructed by him several years back. That he with the help of his family members, set-up a tiny shop in one of the front rooms and the same is running successfully. That the plaintiff and his family members with an intention to grab the property of the defendant have started quarreling with them on one pretext or other. That it is denied that the plaintiff is in occupation in seven rooms in the ground floor. That it is admitted by the defendant that the plaintiff is having four daughters and one son and the defendant is having three sons and a

one daughter. That it is admitted that the plaintiff looked after the welfare of the mother. That much more than the plaintiff it is the defendant who looked after the mother until she passed away in the year 2000. That the plaintiff neglected the mother Ramulamma and it is the defendant who kept her in the front room and looked after her. That it is denied that the two rooms were kept unused for some time and that they were put to use only after doing pooja. That the plaintiff is falsely alleging that he constructed the two rooms in the front and that he allowed defendant temporary occupation of the same from the year 2003. That it is nothing but a bald and baseless allegation with the sole intention of grabbing the two rooms which rightfully belongs to defendant. That there was no agreement let alone an understanding before the community elders that the two rooms will be temporarily given to defendant for occupation. That it is also denied that the defendant gave assurance to plaintiff that he will construct an additional two rooms and move out of the two rooms in the front of the compound. That so called agreement before the community elders is nothing but a figment of imagination of the plaintiff unsubstantiated by any documentary facts.

12. That it is denied that there was no such initiation or talks between the plaintiff and defendant for execution of the partition deed as alleged by the plaintiff and further denied that the plaintiff took more interest than the defendant for execution of partition deed of the properties. That it is denied that the plaintiff requested the defendant to construct additional rooms in his house portion and vacate his two rooms and that the defendant postponed the matter on one pretext or the other and that he deliberately set up a shop made of wooden compartment on the southern side of the room. That it is denied that the defendant has to pay Rs.2,000/- from the year 2003 for damages for the use and occupation of the two rooms. That the defendant has no liability either from the year 2003 or from the date 1-11-2013 to pay the mesne profits. That the plaintiff is making an unlawful and unsubstantiated claim on the two rooms over which he has no claim whatsoever. The defendant states that since he was the rightful owner and possessor of the two rooms on the southern side he set up a small wooden bunk and sold foodstuffs. That being jealous of the success of the defendant's family, the plaintiff in mischievously raising a property dispute without any documents and only upon oral averments in order to destroy the peaceful possession of the defendant.

13. That the plaintiff and defendant have recorded more than one document about the care and treatment of their mother Ramulamma dated 25-09-1994, about the defendant wanting to construct a room on the top of the room that came to his share dated 12-02-1995 and about the said Ramulamma gifting two bathrooms to the plaintiff and the defendant in the northern side of the house by way of notarized document dated 29-01-1997. That considering the number of agreements that have been made between the plaintiff and the defendant, it is strange and unbelievable that the plaintiff does not have a written document about allowing the defendant to use the two rooms in the southern side of the house. That in the document which is an agreement dated 12-02-1995 between the plaintiff and the defendant about the plaintiff seeking to construct a storeroom on the roof of the two rooms allotted to him. That as per this document the plaintiff states that he will demolish this room once he constructs the storeroom on the pillars erected by him. That this agreement there is not a whisper of a complaint that the plaintiff has allowed the defendant the use of two rooms. That the original copy of this agreement is with the plaintiff.

14. That it is denied that upon the intervention of the community elders on 14-09-2015 the plaintiff and the defendant came to an understanding to settle the matter amicably for partition of the house properties and registration of the same. That the defendant was assaulted by the plaintiff on 1-09-2015 and a criminal case was registered against the plaintiff in Karkhana police station. That on 14.09.2015 some of the elders of Kakaguda basti came to the house of the defendant to enquire with him about the injury that he suffered and if he can withdraw the criminal complaint. That the defendant informed the elders that he had filed the criminal complaint as he was grievously injured by the plaintiff and that he was fed up with abusive language and violent acts of the plaintiff and that he will allow the law to take its course. That there was no mention about the partition of the property on 14-09-2015 as the defendant was just recovering from his head injury and couldn't even speak properly. That further if indeed there was an agreement the same would have been reduced to writing. That the very absence of a document shows that there was no such meeting on agreement.

15. That the plaintiff has never been amicable in any of his discussions and has often resorted to abusive language and even

resorted to violence. That the plaintiff inflicted a grievous injury on the Defendant's head for which the defendant had to undergo hospitalization. That as a result of which the Defendant registered a police complaint in the Karkhana police station which was duly numbered as FIR No.161/2015 dated 01-09-2015. That this incident of violence has eye witnesses within the basti and caused much anxiety in the defendant and his family. That the plaintiff has conveniently not pleaded this fact in his plaint. That the present suit for partition is a counter blast case to intimidate the defendant to withdraw the criminal complaint numbered FIR 161/2015.

16. That it is denied that there was any commitment made before the community elders. The defendant specifically states that he was not intimated about the said issue being carried to the Kakaguda Welfare Association. That based upon one sided talk, this association seems to have issued the said letter of which the defendant has no knowledge or intimation. That such an association is only a local body and its letters enjoy no legitimacy in the eyes of the law. That it is further clarified that the issue of the plaintiff is not about registration of properties but about taking away the two rooms that were built and occupied by the defendant. That the said partition suit

is also being filed with this ulterior motive. That the present partition suit has been filed as an intimidatory tactic to make the defendant part with the two rooms which are in fact constructed by the defendant and in peaceful possession of the same. That the grievance of the plaintiff is not about partition of the suit schedule property but about trying to grab the two room built, owned and possessed by the defendant. That the partition suit filed by the plaintiff is just a pretext to grab these two rooms. That there is no cause of action and the alleged cause of action is only invented for the purpose of the suit. Hence, prayed to dismiss the suit with costs.

17. Additional written statement filed by the Defendant No.1 stating that the plaintiff conveniently did not bring the other legal heirs as defendants in the suit. That the Plaintiff was well aware of the legal heirs who are very much part of the family and yet did not bring them into the record and conveniently pleaded that the legal heirs being the two daughters are not interested in the property. That the plaintiffs have come to this Court by not disclosing pertinent information and dragged the proceedings for the last several years which is vexatious in nature. Subsequently by Order dated 08-01-2020 in IA No.139/2019 the application to arraign the other

legal heirs as Defendants was allowed and the amendment was carried out accordingly on 6-02-2020. Hence, prayed to dismiss the suit with costs.

18. Though sisters of defendant No.1 were impleaded as defendant No.2 & 3 and summons were served on them but they did not appear and contest the matter and they were set exparte.

19. **The issues for consideration are :-**

- 1.** Whether the plaintiff is entitled for partition, as prayed?
- 2.** Whether the plaintiff is entitled to mesne profits as claimed?
- 3.** Whether suit is bad for non joinder of two sisters of plaintiff and defendant?
- 4.** To what relief?

Addl. Issue No.1. What is the effect of not amending the plaintiff pleadings except arraying the names of D2 and D3/Sisters of plaintiff vide Orders in IA.No.139/2019?

Addl. Issue No.2. Whether the defendants No.2 and 3 also have equal share in the suit schedule property?

20. During trial, plaintiff was examined as PW1 and got exhibited documents Ex.A1 to Ex.A17. On D. R. Yadagiri was examined as PW2 who supported the version of plaintiff. Further defendant No.1 was examined as DW1 and got exhibited document Ex.B1 to Ex.B3.

21. In order to establish the facts as mentioned in the plaint, plaintiff was examined as PW1 and in his chief examination affidavit he reiterated the contents of plaint and got exhibited documents Ex.A1 to Ex.A17.

22. On the other hand, defendant No.1 was examined as DW1 and got exhibited document Ex.B1 to ExB3. Ex.B1 is the certified copy of FIR filed by him against the plaintiff, Ex.B2 is the electricity bill and Ex.B3 is the House tax receipt.

23. During arguments, Learned counsels for plaintiff and defendant No.1 filed the citations and guided this court with the observations of following citations:-

- ➔ Kanamathareddi Kanna Reddy vs Kanamatha Reddy Venkata Reddy
- ➔ Ratnam Chettiar & Ors vs S. M. Kuppuswami Chettiar & Ors

24. Upon hearing the submissions of both learned counsels and upon perusal of exhibits on record, I found that it is the contention of plaintiff that the suit schedule A & B properties belong to mother of plaintiff and defendants by name Smt. T. Ramulamma and during her life time she orally partitioned 203 Sq. yards of house property equally in favour of plaintiff and defendant No.1 by giving them 101.5 Sq. yards each. It is further case of the plaintiff that house bearing No.3-7-211 (new No.5-11-376) admeasuring 101.5 Sq. yards belongs to him which is schedule-A property and H. No.3-7-210 (new No.5-11-375) admeasuring 101.5 Sq. yards belongs to defendant No.1. It is further case of the plaintiff that he is having 7 rooms in the Ground floor of Schedule-A property and out of those 7 rooms, 2 rooms were occupied by defendant No.1 at request for his family necessities but later the defendant No.1 did not vacate such two rooms from schedule-A property. Further, it is the case of the plaintiff that though he approached Cantonment Board for mutation of Schedule-A property from his mother's name into his name but the Cantonment Board required registered partition deed or similar document and cannot mutate basing only on oral partition. Thus, the present suit is filed by plaintiff.

25. From the written statement filed by defendant No.1 and from his evidence on record, I found that defendant No.1 admitted that the entire suit schedule A & B properties belongs to their mother Smt. T. Ramulamma who long back has orally partitioned the suit property into two halves and defendant No.1 constructed rooms in his allotted portion which is schedule-B property. The defendant No.1 admitted partitioning of property of Smt. T. Ramulamma into two halves between plaintiff and defendant No.1 but the defence of defendant No.1 is that once the suit property was already partitioned and he has constructed rooms on his allotted area, there cannot be a second partition or a partition cannot be reopened.

26. **Answer to Issue No.1:** Once a property is partitioned, in general there cannot be a reopening of partition or there cannot be a new partition because the parties who were allotted the properties has acted upon such partition by making construction upon their respective allotted area. However, in the present case it is the plea of the plaintiff that he approached the Cantonment Boart for mutation of Schedule-A property into his name basing on oral partition made by Smt. T.Ramulamma but Cantonment Board has requested for registered partition deed or a similar document to act upon such document for mutation. Therefore, the plaintiff has approached this

Court. I do not find any flaw in approaching the Court for decree of partitioning of the property which was already orally partitioned by mother of plaintiff and defendant No.1 and acting upon such oral partition, both brothers have constructed their houses on such properties. It is not the case of the defendant No.1 that Schedule-A property does not belong to plaintiff and Schedule-B property does not belong to defendant No.1. With these admitted facts, I am inclined to hold that the plaintiff is entitled for partition of Schedule-A & B properties and allotment of Schedule-A property in his favour. Hence, Issue No.1 is answered in favour of plaintiff.

27. **Answer to Issue No.2:** The plaintiff is claiming mesne profits from defendant No.1 for utilizing two rooms on the ground floor in Schedule-A property. Though the plaintiff is claiming the mesne profits but it is the plaintiff who out of respect and for the necessities of defendant No.1 has given two rooms in Schedule-A property to the defendant No.1. The defendant No.1 ought to have vacated such two rooms from schedule-A property because he has already allotted Schedule-B property in oral partition which also admeasures 101.5 Sq. yards as that of Schedule-A property. Thus, it is the bounden duty of the defendant No.1 to vacate such two rooms from schedule-A property and so far as the mesne profits is concerned where out of

love and affection and out of respect to defendant No.1, the plaintiff has given two rooms in the ground floor of Schedule-A property to defendant No.1, the plaintiff cannot claim the mesne profits from defendant No.1. Hence, issue No.2 is answered against the plaintiff.

28. **Answer to Issue No.3:** This issue was framed prior to the impleading of two sisters of plaintiff and defendant No.1 in the suit as defendant No.2 & 3. Since by virtue of order in IA. No.139 of 2019 sisters of plaintiff are impleaded as defendants No.2 & 3 in the suit, it cannot be said that the suit is bad for nonjoinder of sisters of plaintiff and defendant No.1. Thus, issue No.3 is answered accordingly against the plaintiff.

29. **Answer to Addl. Issue No.1:** After impleading defendants No.2 & 3 in the suit, the plaint was not amended and what would be the effect of such non amendment of plaint. In the present case on hand, the suit is filed for partition of suit Schedule A & B properties between the plaintiff and defendant No.1. It is admitted fact that there has been oral partition between plaintiff and defendant No.1 for Schedule A & B properties. It is not the case of plaintiff and defendant No.1 that their sisters defendants No.2 & 3 are also the share holders in

schedule A & B properties. Thus, the plaintiff without amending the plaint has arrayed of defendants No.2 & 3/sisters of plaintiff in the suit. The summons received by defendants No.2 & 3 along with the plaint copies and if those sisters had any objection with respect to the relief/prayer in the present suit for partitioning of suit schedule properties between the plaintiff and defendant No.1 only then they would have approached the Court and file the written statement but defendants No.2 & 3 even on receipt of summons they did not come forward and appear before the court, as such the matter proceeded ex parte. Thus, only in the present case on hand, I am inclined to hold that the effect of not amending the plaint except arraying the names of defendants No.2 & 3 i.e., sisters of plaintiff is not fatal to the plaintiff and to the relief prayed by him. Therefore, this Addl. Issue No.1 is answered in favour of the plaintiff.

30. **Answer to Addl. Issue No.2:** As already discussed in answer to Additional Issue No.1 and it is admitted by plaintiff and Defendant No.1 that the suit schedule properties were already orally partitioned long back by Smt. T. Ramulamma and even after arraying Defendants No.2 & 3 in the plaint and on receipt of summons by them they did not approach the Court for contesting the matter where the prayer

does not speak of any share to the defendants No.2 & 3, in such circumstance, it can be said that the defendants No.2 & 3 also know about oral partition of suit schedule properties between the plaintiff and defendant No.1 and therefore, they do not have any share in the suit schedule properties, hence additional Issue No.2 is answered in favour of plaintiff.

In the result, the suit is preliminarily decreed with costs for partitioning of the suit schedule A & B properties and allotting suit schedule-A property to the plaintiff and Suit schedule-B property to the defendant No.1. So far as recovery of mesne profits is concerned, such relief is dismissed.

(Typed to my dictation by the Stenographer, corrected and pronounced by me in the open court on this the 27th Day of January, 2026.)

**III SENIOR CIVIL JUDGE,
FAC XIX ADDL. SENIOR CIVIL
CITY CIVIL COURT, SECUNDERABAD.**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PLAINTIFFS:

PW1:T. Yadagiri
PW2: D. R. Yadagiri

FOR DEFENDANT:

DW1: T. Muthyalu,

EXHIBITS MARKED

ON BEHALF OF THE PLAINTIFFS:

Ex.A1 is the tax receipt issued by SCB regarding H.No.3-7-211.
Ex.A2 is the tax receipt issued by SCB regarding H.No.3-7-211 dt.03.03.2014
Ex.A3 is the Tax Bill dt.20.11.2013.
Ex.A4 is the Tax Bill dt.10.06.2015.
Ex.A5 is the property tax Receipt dated 10.03.2015.
Ex.A6 is the property tax Receipt dated 23.01.2016.
Ex.A7 is the Tax Bill Dated 28.11.2016.
Ex.A8 is the Tax Bill dated 28.11.2016.
Ex.A9 is the letter issued by Advisor-cum chairman of kakaguda welfare Association dt. 21.02.2016.
Ex.A10 is the legal notice issued to the defendant dt.02.03.2016.
Ex.A11 is the Postal Receipt dated 03.03.2016.
Ex.A12 is the Acknowledgment dt.05.03.2016.
Ex.A13 is the legal notice issued to the Defendant dated 25.05.2016.
Ex.A14 is the Reply notice issued by the counsel for defendant dated 02.06.2016.
Ex.A15 is the Photos of suit schedule property (No.2).
Ex.A16 is the Rough sketch of suit schedule property.
Ex.A17 is the Market value certificate dated 22.11.2016.

ON BEHALF OF THE DEFENDANT:

Ex.B1 is the certified copy of FIR filed by defendant against the plaintiff.
Ex.B2 is the electricity bill.
Ex.B3 is the House tax receipt.

**III SENIOR CIVIL JUDGE,
FAC XIX ADDL. SENIOR CIVIL JUDGE
CITY CIVIL COURT, SECUNDERABAD.**