

**IN THE COURT OF THE JUNIOR CIVIL JUDGE -CUM- JUDICIAL
MAGISTRATE OF FIRST CLASS :: THORRUR**

On Wednesday, the 30th day of October, 2024

PRESENT : ***Smt. Saritha Matta,***
Junior Civil Judge -cum-
Judicial Magistrate of First Class,
Thorrur.

O.S.NO. 72 OF 2011

Between :

Guguloth Takoor @ Tagoor, S/o. Bheemudu, Age : 40 years, Occ :
Agriculture, R/o. H.No. 2-2-118, Erra Somla thanda of Thorrur village
Shivaru of Thorrur Mandal of Warangal District ;

...Plaintiff

AND

- 1).** Vadlakonda Somaiah, S/o. Late Mysaiah, Age : 60 years, Occ :
Agriculture, R/o. Velikatte village of Thorrur revenue Mandal of
Warangal ;
- 2).** Keshetty Venugopal, S/o. Rajeshwar, Age : 33 years, Occ : Business,
R/o. H.No. 16-223, Thorrur village and Mandal, Mahabubabad District
- 3).** Vadlakonda Venkata Sailu, S/o. Ramalingaiah, Age : 66 years, Occ :
Agriculture, R/o. Velikatte village, Thorrur Mandal, Mahabubabad
District **(The Defendant No.2 and 3 are impleaded as per the orders in
IA.No.556of 2017) ;**
- 4).** Vadlakonda Somakka, W/o. Late Somaiah, Age : 60 years, Occ :
Housewife ;
- 5).** Vadlakonda Yakaiah, S/o. Late Somaiah, Age : Major, Occ : Private
Employee ;
- 6).** Vadlakonda Bharathi, D/o. Late Somaiah, Age : Major, Occ :
Housewife ;
**(The Defendant No.4 to 6 are added as legal representatives of Defendant
No.1 as per the orders in IA.No. 626 of 2023)**

The Defendants No.4 to 6 are the residents of Velikatte village, Thorrur
Mandal, Mahabubabad Disrict ;

...Defendants

This suit is coming on before me on 18.10.2024 for final hearing in the presence of **Sri V. Mahesh, Counsel for Plaintiff and of Sri T. Amarendra Shastry, Counsel for Defendant No.3** and having heard this Court delivered the following :

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

1. This Suit is filed by the Plaintiff for Permanent Injunction by restraining the Defendants, their legal heirs, agents, relatives etc., from interfering with the peaceful possession and enjoyment of the Plaintiff over the suit schedule property.

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

Plaintiff is the absolute owner and possessor of the open house plot admeasuring 300.00 Sq.Yds or its equivalent to 251.38 Sq.Mtrs out of Sy.No. 9/C situated at Velikatte village of Thorur Mandal, Warangal District and the same is purchased by the Plaintiff from its erstwhile owner Smt. Mohd. Khateeja Begum through her GPA holder Guguloth Sakru for valid consideration on 27.04.2011. On receipt of entire sale consideration from the Plaintiff, the GPA holder of said Kateeza Begum has executed a Registered Sale Deed bearing document No. 3611/2011 in favor of the Plaintiff and delivered vacant possession. The said

property is suit schedule property. Since the date of purchase of the suit schedule property the Plaintiff has been in peaceful possession and having enjoyment of the said property without anybody's interference.

3. The Defendant is the stranger to the suit property as well as to the Plaintiff and the Defendant having no manner of right concerned the or interest whatsoever over the suit schedule property. The Defendant casted evil eye over the suit schedule property in order to occupy the same in one way or other, he is vehemently trying to interfere with the peaceful possession and enjoyment of the Plaintiff over the suit schedule property, whereas the Plaintiff has been protecting his lawful possession and enjoyment over the suit schedule property. While the things stood on 30.05.2011 the Defendant along with unsocial elements came to the suit schedule property and tried to interfere with the peaceful possession and enjoyment of the Plaintiff over the suit schedule property, whereas the Plaintiff was present at the said time and with the help of his well wishers and neighbors he could resist the onslaught of the Defendant and his yes-men and driven them away from the spot, but the Defendant openly declared that he would dispossess the Plaintiff from the suit schedule property at any cost and also

threatened with dire consequences. The Plaintiff apprehend the danger of interference from the hands of Defendant and his yes-men. In these circumstances the Plaintiff filed the present suit. Hence this suit.

4. On the other hand, the 'Defendant No.1 filed his Written Statement. He stated that there is no cause of action to file this suit and the cause of action is created one. He denied that the Plaintiff is the absolute owner and possessor of open house plot admeasuring 300.66 Sq.Yds or it equivalent to 251.38 Sq.Mtrs out of Sy.No. 9/C situated at Velikatta village of Thorrur Mandal. The alleged purchase by the Plaintiff from its erstwhile owner Smt. Mohd. Khateeja Begum through her GPA holder Guguloth Sakru on 27.04.2011 for a valid consideration and executed registered Sale Deed bearing No.3611/2011 and delivered the possession to him as described boundaries in the schedule all are false and incorrect. In fact the described land belongs to the Defendant and the said Smt. Mohd. Khateeja Begum is no way concern with the suit schedule land and she is not having any right, title and possession, how the Plaintiff purchased the schedule land from her GPA holder, there is no question of alleged sale transaction. The Defendant No.1 denied that

on 30.05.2011 he along with unsocial elements to the suit land and tried to interfere with the peaceful possession and enjoyment of the Plaintiff.

5. Defendant further stated that he is the absolute owner and possessor of agricultural land to an extent of Ac.0-30 gts, carved out of Sy.No. 9/A situated at Velikatta village, Thorur revenue Mandal, Warangal District by virtue of inheritance which is bounded by East : Land of Allaminani Swamiraidu, West : Donaka, North : Land of Allaminani Narsaiah, South : PWD road leads to Warangal to Khammam and since more than 3 decades he is in possession and enjoying the same and the concern revenue authorities also mutated his name and issued Pattadar passbook and Title Deed to him vide patta No.486 for the said land. While the things stood the vendor of the Plaintiff i.e., GPA holder namely Guguloth Chakru and his principal and other are colluded with each other and they attempted to dispossess the Defendant from his above said land and on 17.04.2011 they illegally trespassed into the land of Defendant and challenged to dispossess and threatened him, in redressal the Defendant filed a suit for perpetual injunction against the Mohd. Salar, Mohd. Saleemm, Mohd. Aleem, Kathiya Begam, Ravini Begam and Guguloth Chakru before the Hon'ble Junior Civil Judge and

the Hon'ble Court was pleased to granted Ad-Interim injunction orders restraining them vide IA.No. 165 of 2011 in OS.No.58 of 2011 and the same is pending. The document filed by the Plaintiff it is clearly appearing that after filing of suit by the Defendant before the Hon'ble Court vide IA.No. 165 of 2011 in OS.No. 58 of 2011, and after receipt of notices from the Hon'ble Court, the vendor of Plaintiff who is GPA holder and his principal colluded with each other and caused to alleged registration in favor of Plaintiff by suppressing material facts by showing the Defendant land and its boundaries by showing different survey number etc., to the different people who are also filed suits before the Hon'ble Court on the same date against the Defendant vide OS.Nos. 72/2011, 73/2011, 74/2011, 76/2011, 77/2011 all are said to be purchased on the same day to harass and to usurp the property of Defendant with common intention. The vendor of the Plaintiff herein is Guguloth Chakru who is said to be GPA holder of Smt Mohd. Khateeja Begum is one of the Defendant in OS.No. 58/2010. The document vide No. 2197/1983, Smt Mohd. Khateeja Begum purchased the land to an extent of Ac.1-02 gts in Sy.No. 9 situated at Velikatta village, Thorrur revenue Mandal is bounded by East : Land of Yakub Ali, West : Land of Allam Narsaiah, North : PWD road Khammam to Warangal, South : Land

of Gurram Chinna Kistaiah. The vendor of the Plaintiff namely Guguloth Chakru who is GPA of Smt. Mohd. Khateeja Begum vide document No. 1414/2009, Smt. Mohd. Khateeja Begum executed an agreement of sale -cum- General Power of Attorney to an extent of 2420 Sq.Yds or 2023.36 Sq.Mtrs (0-20 gts) in Sy.No. 9/C situated at Velikatta village of Thorrur revenue Mandal bounded by East : Land of Vendors, West : Land of Vendors, North : SRSP Canal, South : 110" R & B road (in the suit schedule shown as R & B road leading from Warangal to Khammam). It clearly appears that the land of Smt. Mohd. Khateeja Begum and her GPA holder land are entirely different and different boundaries. There is PWD road is leads from Khammam to Warangal and either side of the road is South and North. The said road is North side of Smt. Mohd. Khateeja Begum land and the vendor of the Plaintiff GPA holder, the said road is southern side in the said documents. Hence there is no any land for the Plaintiff under the document said to be executed by the GPA holder. There is no valid transfer under law and the possession of the lands is different and the Plaintiff is not the owner and possessor of the schedule land. In these circumstances the Defendant prayed to dismiss the suit.

6. Basing on the Plaint and Written Statement from both sides, the Court settled the following issues :

- (i). **Whether the suit schedule property is well within the boundaries of the schedule mentioned in the plaint ?**
- (ii). **Whether the Plaintiff is in actual and lawful possession over the schedule property ?**
- (iii). **Whether the Plaintiff is entitled for the relief of Permanent Injunction against the Defendants as prayed for ?**
- (iv). **If so, to what relief ?**

7. During course of trial the Counsel for Plaintiff filed petition u/o. I Rule 10 of CPC to implead the Defendant No.2 and 3 to the suit and the same is allowed (vide IA.No. 569/2017). After serving of summons to the Defendant No.2 and 3, the Defendant No.2 called absent, hence he was set exparte and the Defendant No.3 filed his Written Statement.

8. After filing of Written statement of Defendant No.3 the following additional issues were framed.

(v). **Whether the claiming property i.e., land to an extent of Ac.0-20 gts out of Sy.No. 9/A which is mentioned in Written statement by Defendant No.3 is relating to the suit schedule property or not ?**

(vi) **If so, to what relief ?**

9. Further during course of trial the Counsel reported Defendant No.1 was died. Accordingly legal representatives of Defendant No.1 are brought on record i.e., Defendant No.4 to 6 on allowing petition. After serving of summons to the Defendant No.4 and 5 they called absent and

the Defendant No.6 refused to take summons from the Court. Hence the Defendant No.4 to 6 are set exparte.

10. Accordingly the case is proceeded for trial.

11. To substantiate the case of the Plaintiff, he filed his chief affidavit and is examined as PW1 and he got exhibited Ex.A1 to A18. In support of contention of Plaintiff, one Mahammad Aleem, Mahammad Jaleel, Jatothu Swamy filed their chief affidavits and are examined as PWs. 2 to 4 and no documents are marked on their behalf.

12. With regard to exhibits marked on behalf of Plaintiff, Ex.A1 is the Registered Sale Deed bearing No. 3611/2011, Dated : 27.04.2011. Ex.A2 is the CC of Registered GPA bearing document No. 1414/2009, Dated : 13.03.2009. Ex.A3 is the CC of Registered Sale Deed bearing document No. 5561/2016, Dated : 12.09.2016. Ex.A4 is the CC of Registered Sale Deed bearing document No.1988/2012, Dated : 14.03.2012. Ex.A5 is the Registered General Power of Attorney bearing document No. 3102/2014, Dated : 25.07.2014. Ex.A6 is the CC of Registered General Power of Attorney bearing document No. 178/2011, Dated : 25.07.2011. Ex.A7 is the CC of Registered General Power of Attorney bearing document No.2197/1983, Dated : 02.09.1983. Ex.A8 is the original

Permission issued by G.P. Velikatte along with blue print, Dated : 06.10.2016. Ex.A9 is the CC of pahanies issued by Naib Tahasildar, Thorrur for the year 1997-1998 (02 pages). Ex.A10 is the CC of pahanies issued by Naib Tahasildar, Thorrur for the year 2002-2003 (02 pages). Ex.A11 is the CC of pahanies issued by Naib Tahasildar, Thorrur for the year 2003-2004 (02 pages). Ex.A12 is the CC of pahanies issued by Naib Tahasildar, Thorrur for the year 2004-2005 (02 pages). Ex.A13 is the CC of pahanies issued by Naib Tahasildar, Thorrur for the year 2007-2008 (02 pages). Ex.A14 is the CC of pahanies issued by Naib Tahasildar, Thorrur for the year 2011-2012 (02 pages). Ex.A15 is the CC of pahanies issued by Naib Tahasildar, Thorrur fasli 1424 (2014) dated : 11.02.2015 (03 pages). Ex.A16 is the CC of pahanies issued by Naib Tahasildar, Thorrur fasli 1427 (2017) dated : 01.07.2017 (04 pages). Ex.A17 is the CC of pahanies for the year 2019 (02 pages). Ex.A18 is the Encumbrance certificate issued by the Sub-Registrar, Mahabubabad, dated : 25.10.2016.

13. Heard Counsel for Plaintiff.

14. **POINT NO.(i) :-**

PW1 who is the Plaintiff herein reiterated the contents of plaint and got marked Ex. A1 to A16. Ex. A1 to A18 establishes the possession of the Plaintiff over the suit schedule property. The Defendants No.1, 2, 4 to 6 are set exparte as such they failed to contest the suit. Further Defendant No.3 did not choose to prove his contentions mentioned in his written statement either through oral or documentary evidence.

15. The unchallenged evidence of PW1 in corroboration with Ex.A1 to A18 is sufficient to say that the Plaintiff is in possession of the suit schedule property as on the date of filing of the suit. If the defendants have not interfered into the possession of the plaintiff over the suit schedule property, the plaintiff would not have filed this suit. Hence, for the aforesaid reasons this point is answered accordingly in favour of the Plaintiff.

16. Point No. (i) is answered in favor of the plaintiff.

17. **POINT NO. (ii) :- In the result,** the suit is decreed in favor of Plaintiff by granting Permanent Injunction by restraining the Defendants, their legal heirs, agents, relatives etc., from interfering with

the peaceful possession and enjoyment of the Plaintiff over the suit schedule property.

(Typed to my dictation by Stenographer Grade-III and after correction pronounced by me in the open court on this the 30th day of October, 2024).

**JUNIOR CIVIL JUDGE - CUM -
JUDICIAL MAGISTRATE OF FIRST CLASS, ,
THORRUR.**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Plaintiff:

PW1 : Guguloth Takoor @ Tagoor
PW2 : Mahammad Aleem
PW3 : Mahammad Jaleel
PW4 : Jatoth Swamy

For Defendants :

None

EXHIBITS MARKED

For Plaintiffs :

Ex.A1 : Registered Sale Deed bearing No. 3611/2011, Dated : 27.04.2011.

Ex.A2 : CC of Registered GPA bearing document No. 1414/2009, Dated : 13.03.2009.

Ex.A3 : CC of Registered Sale Deed bearing document No. 5561/2016, Dated : 12.09.2016.

Ex.A4 : CC of Registered Sale Deed bearing document No.1988/2012, Dated : 14.03.2012.

Ex.A5 : Registered General Power of Attorney bearing document No. 3102/2014, Dated : 25.07.2014.

Ex.A6 : CC of Registered General Power of Attorney bearing document No. 178/2011, Dated : 25.07.2011.

Ex.A7 : CC of Registered General Power of Attorney bearing document No.2197/1983, Dated : 02.09.1983.

Ex.A8 : Original Permission issued by G.P. Velikatte along with blue print, Dated : 06.10.2016.

Ex.A9 : CC of pahanies issued by Naib Tahasildar, Thorrur for the year 1997-1998 (02 pages).

Ex.A10 : CC of pahanies issued by Naib Tahasildar, Thorrur for the year 2002-2003 (02 pages).

Ex.A11 : CC of pahanies issued by Naib Tahasildar, Thorrur for the year 2003-2004 (02 pages).

Ex.A12 : CC of pahanies issued by Naib Tahasildar, Thorrur for the year 2004-2005 (01 page).

Ex.A13 : CC of pahanies issued by Naib Tahasildar, Thorrur for the year 2007-2008 (02 pages).

Ex.A14 : CC of pahanies issued by Naib Tahasildar, Thorrur for the year 2011-2012 (02 pages).

Ex.A15 : CC of pahanies issued by Naib Tahasildar, Thorrur fasli 1424 (2014) dated : 11.02.2015 (03 pages).

Ex.A16 : CC of pahanies issued by Naib Tahasildar, Thorrur fasli 1427 (2017) dated : 01.07.2017 (04 pages).

Ex.A17 : CC of pahanies for the year 2019 (02 pages).

Ex.A18 : Encumbrance certificate issued by the Sub-Registrar, Mahabubabad, Dated : 25.10.2016.

For Defendant :

-NIL-

**JUNIOR CIVIL JUDGE -CUM-
JUDICIAL MAGISTRATE OF FIRST CLASS, ,
THORRUR.**

DECREE

**IN THE COURT OF THE JUNIOR CIVIL JUDGE -CUM- JUDICIAL
MAGISTRATE OF FIRST CLASS, THORRUR**

Present : *Smt. Saritha Matta,*
Junior Civil Judge -cum-
Judicial Magistrate of First Class,
Thorrur.

Wednesday, the 30th day of October, 2024

O.S.No. 72 OF 2011

Between:-

Guguloth Takoor @ Tagoor, S/o. Bheemudu, Age : 40 years, Occ :
Agriculture, R/o. H.No. 2-2-118, Erra Somla thanda of Thorrur village
Shivaru of Thorrur Mandal of Warangal District ;

...Plaintiff

AND

- 1).** Vadlakonda Somaiah, S/o. Late Mysaiah, Age : 60 years, Occ :
Agriculture, R/o. Velikatte village of Thorrur Mandal of Warangal
District.
- 2).** Keshetty Venugopal, S/o. Rajeshwar, Age : 33 years, Occ : Business,
R/o. H.No. 16-223, Thorrur village and Mandal, Mahabubabad District
- 3).** Vadlakonda Venkata Sailu, S/o. Ramalingaiah, Age : 66 years, Occ :
Agriculture, R/o. Velikatte village and Mandal, Mahabubabad District
**(The Defendant No.2 and 3 are impleaded as per the orders in IA.No.556of
2017) ;**
- 4).** Vadlakonda Somakka, W/o. Late Somaiah, Age : 60 years, Occ :
Housewife ;
- 5).** Vadlakonda Yakaiah, S/o. Late Somaiah, Age : Major, Occ : Private
Employee ;
- 6).** Vadlakonda Bharathi, D/o. Late Somaiah, Age : Major, Occ :
Housewife ;
**(The Defendant No.4 to 6 are added as legal representatives of Defendant
No.1 as per the orders in IA.No. 626 of 2023)**

The Defendants No.4 to 6 are the residents of Velikatte village, Thorrur
Mandal, Mahabubabad District ;

...Defendant

<i>Claim for</i>	:	This Suit is filed by the Plaintiff for Permanent Injunction by restraining the Defendants, their legal heirs, agents, relatives etc., from interfering with the peaceful possession and enjoyment of the Plaintiff over the suit schedule property
<i>Plaint presented on</i>	:	09.06.2011.
<i>Date and place of cause of action</i>	:	The cause of action for the suit arose on all the dates when the Defendant casted evil eye over the suit schedule property, including on 30.05.2011 at Velikatte village of Thorrur mandal.
<i>Valuation of the suit</i>	:	The suit is valued for Rs.10,000/- notionally on which a court fee of Rs.786/- is paid under section 26 (c) of APCF Court fee and suit valuation Act which is sufficient.
<i>Decree</i>	:	This suit is coming on before me on 18.10.2024 for final hearing in the presence of Sri V. Mahesh, Counsel for Plaintiff and of Sri T. Amarendra Shastry, Counsel for Defendant No.3 and having heard this Court delivered the following this Court DOTH ORDER AND DECREE THAT, <i>the suit is decreed in favor of Plaintiff by granting Permanent Injunction by restraining the Defendants, their legal heirs, agents, relatives etc., from interfering with the peaceful possession and enjoyment of the Plaintiff over the suit schedule property.</i>

**Junior Civil Judge -cum-
Judicial First Class Magistrate,
Thorrur.**

SUIT SCHEDULE PROPERTY

Sl.No.	Sy.No.	Extent	Nature	Situated at
1.	Out of Sy.No.9/C	.300.66 sq.yrds or its equivalent to	Dry land now open house site	Velikatte village, Thorrur Mandal, Mahabubabad District

		251 .38.sq.mts		
<u>Boundaries :</u> East : land of Guguloth Ravi Kumar. West : Land of Jatoth Kishan. North : S.R.S.P canal. South : Warangal to Khammam R&B road.				

**Junior Civil Judge -cum-
Judicial Magistrate of First Class,
Thorrur.**

PARTICULARS OF THE COSTS			
		For plaintiff/s	For defendant/s
1.	Stamp on plaint	786/-	-
2.	Stamp on power	2/-	2/-
3.	Stamps on exhibits	-	-
4.	Pleaders fee	-	-
5.	Commissioner fee	-	-
6.	Service of process	120/-	-
7.	Publication charges	-	-
8.	Miscellaneous	150/-	150/-
	Total :	1058/-	152/-

(Given under my hand and the seal of the Court, this the 30th day of October, 2024).

**Junior Civil Judge -cum-
Judicial First Class Magistrate,
Thorrur.**