

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: C.M.A.No.277 of 2026

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
04.	22.06.2026	<u>DR, J & BM, J</u> <u>I.A.No.1 of 2026</u> The present appeal is filed by the plaintiffs aggrieved by the orders dated 16.02.2026 in I.A.No.214 of 2024 in O.S.No.17 of 2024 on the file of the Court of the Special Judge for trial of cases under SCs and STs (POA) Act-cum-IV Additional District Judge, Srikakulam. Initially, the Court below has passed the following order on 03.05.2024: “ The learned petitioners counsel submits that the 1st defendant trying to alienate the petitioner schedule property for his bad vices. The petitioners have got <i>prima-facie</i> case, balance of convenience and irreparable loss in their favour. The petitioners counsel further submits that the petitioners are seeking ad interim injunction to restrain the defendants from alienating the joint family properties, but not seeking to restrain them to enjoy the property. In the above facts and circumstances, the Court feels it is necessary in the interest of justice issue ad interim injunction restraining the respondents to alienate the petitioner schedule property to avoid multiplicity of proceedings. The petitioners are directed to comply Order 39 Rule-3	(contd..)

	CPC. Meanwhile issue urgent notice to respondents. Call on 10.05.2024.” Subsequently, the said orders were modified by deleting item Nos.1 to 3 of plaint ‘A’ schedule properties holding that the petitioners/plaintiffs are not entitled to seek injunction against the said items as the same were self-acquired properties. Aggrieved by the said orders, the present appeal is filed. Undisputedly, the dispute is between the sons, daughter and father. Learned counsel appearing on behalf of the appellants has mainly contended that all the properties from item Nos.1 to 4 are joint family properties as they were acquired by respondent No.1/defendant No.1/father by selling ancestral properties which are Exs.A.5 and A.11. Initially, in the year 1996, some of the properties were sold and the plaintiffs were parties to the said document. After such sale, defendant No.1 started a chit business as one of the partners and subsequently, he entered into the real estate business and several transactions took place. Hence, the business conducted by respondent No.1/ defendant No.1 from the funds of joint family properties/ancestral properties. Accordingly, item Nos.1 to 3 are joint family properties and item No.4 is ancestral property. Accordingly, the petitioners/ plaintiffs are also entitled to a share in item Nos.1 to 3. Reply to the same, learned counsel appearing on behalf of the respondents mainly relied on the observations made by the trial Court at para No.30 which reads as follows:	(contd..)
--	--	-----------

“30. Even considering otherwise admittedly the 1st respondent/D1 had sold several properties to 3rd parties under several registered sale deeds. If really, the properties are joint family properties, the petitioners/plaintiffs are supposed to challenge the above sale transactions but, they kept silent in respect of those transactions. But, the petitioners/plaintiffs are only claiming share in the properties which are recently purchased by the 1st respondent/D1 in the year 2018 under Exs.B1 to B4/sale deeds and those properties were purchased by selling the properties purchased by him in the year 1998-1999 and at that time, the petitioners/plaintiffs 1 to 3 were minors.”

According to the said observations, the petitioners/plaintiffs have never challenged any transactions that took place in the year 2018 and prior to that. Therefore, they have no right to include the properties from item Nos.1 to 3 as they are all self-acquired properties.

Considering the said submissions and on perusal of the documents, more specifically Exs.A.5 and A.11, as contended by the learned counsel for the petitioners/appellants, this Court is of the opinion that the subsequent properties which are acquired by respondent No.1/defendant No.1 from item Nos.1 to 3 may also purchased from the funds derived from Exs.A.5 and A.11.

Accordingly, there shall be an injunction restraining the respondents from alienating item Nos.1 to 3 of the petition schedule properties.

(contd...)

C.M.A.No.277 of 2026

Considering the material placed along with the appeal and also after hearing both the learned counsel, as the trial is not yet commenced, this Court is of the opinion that the matter may be referred to the Mediation Centre, High Court of Andhra Pradesh at Amaravati in terms of Section 89 of C.P.C. The Mediation Centre shall issue necessary notices, fix the date for appearance of the parties, and endeavour to settle the dispute. The said exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

List the matter on 22.09.2026.

DR, J

BM, J

Ivd