

[3587]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE TWENTY SECOND DAY OF JUNE

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH

AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

IA No. 1 OF 2026

IN

CMA NO: 277 OF 2026



Between:

1. Anadhavarapu Venkata Narayana, S/o Govinda Rao, Aged about 40 years, Occ Employee, R/o Flat No.403, Garudadri Block No.B, Gokul Flats, Venkata Ramana Colony, Hyderabad - 500 085. Telangana State.
2. Andhavarapu Satish,, S/o Govinda Rao, Aged about 38 years, Occ Insurance Agent, R/o Flat No.G-1, Amma Homes, Near Siva Balaji Temple, 2nd Lane, Bankers Colony, Srikakulam Town, Srikakulam District, A.P.
3. Andhavarapu Mutyalamma, , D/o Govinda Rao, Aged about 41 years, Occ Household duties, R/o Flat No.G-1, Amma Homes, Near Siva Balaji Temple, 2nd Lane, Bankers Colony, Srikakulam Town, Srikakulam District, A.P.

...Petitioner(s)/Appellants

(Petitioner in CMA 277 OF 2026

on the file of High Court)

AND

1. Anadhavarapu Govinda Rao, S/o Trinadha Rao, Aged about 70 years, Occ Business, R/o Plot No.21, 0 Lane, P.N. Colony, Srikakulam Town - 532 001, Srikakulam District, A.P.

2. Andhavarapu Narasimha Murthy,, S/o Trinadha Rao, Aged about 68 Years, Occ Business, R/o Gujarathipeta, Srikakulam Town - 532 001, Srikakulam District, A.P.
3. Andhavarapu Nageswara Rao,, S/o Trinadha Rao, Aged about 65 years, Occ Retired Bank Employee, R/o Plot No.Visakha A Colony, Nearby Bharath Gas Godown, Srikakulam Town - 532 001, Srikakulam District, A.P.
4. Andhavarapu Chittibabu,, S/o Trinadha Rao, Aged about 54 years, Occ Business, R/o Main Road Vopopangi Village, Sanivada Post, Srikakulam Mandal, Srikakulam District, A.P.

(Respondent Nos.2 to 4 are not necessary parties to this CMA)

...Respondent(s)/ Respondent(s)

(Respondents in-do-)

Appeal Petition Under Order XXXIX Rule 1 R/W Section 151 of C.P.C is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant temporary injunction restraining the respondents from alienating the item No. 1 to 3 of the petition schedule property and in any way entering into any agreements, executing the mortgage deeds or any other documents and Pending disposal of CMA No. 277 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI V SUDHAKAR REDDY Advocate for the Appellant(s) and SRI T DIWAKAR REDDY, Advocate for the Respondent(s).

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

ORDER

"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 prima-facie 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 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:

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."

//TRUE COPY//

SD/- M.VENKATESWARA RAO
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. Anadhavarapu Govinda Rao, S/o Trinadha Rao, Aged about 70 years,
Occ Business, R/o Plot No.21, 0 Lane, P.N. Colony, Srikakulam Town -
532 001, Srikakulam District, A.P.(By RPAD)
2. One CC to SRI. V SUDHAKAR REDDY Advocate [OPUC]
3. One CC to SRI. T DIWAKAR REDDY Advocate [OPUC]
4. **One spare copy**

Tvsr

HIGH COURT

DR,J

&

BM,J

DATED: 22/06/2026

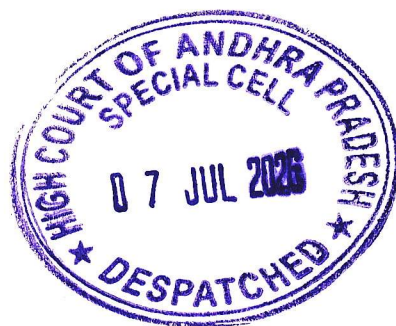
LIST THE MATTER ON 22.09.2026

ORDER

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IN

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DIRECTION