



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3501]**

**FRIDAY ,THE SIXTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

**THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA**

**CIVIL MISCELLANEOUS APPEAL NO: 593/2024**

**Between:**

Peram Radhika Kiran and Others

**...APPELLANT(S)**

**AND**

V Kavitha and Others

**...RESPONDENT(S)**

**Counsel for the Appellant(S):**

1.C V R RUDRA PRASAD

**Counsel for the Respondent(S):**

1.

**The Court made the following:**

Heard Sri C.V.R.Rudra Parsad, learned counsel for the appellants.

2. The appellants are the defendant Nos.4 & 5 in O.S.NO.73 of 2022 filed for partition of the plaint schedule property on the file of X Additional District Judge, Tirupati filed by the plaintiffs/respondent Nos.1 & 2.

3. The plaintiffs/respondent Nos.1 & 2 filed I.A.No.182 of 2023 for grant of temporary injunction, which has been allowed by an order dated 09.05.2024, under challenge.

4. Learned counsel for the appellants submits that the defendants/appellants filed objection to temporary injunction application. Though their case is mentioned in the impugned order but at the time of consideration their case has not been considered and only considering the plaintiffs case, the temporary injunction application has been allowed. He submits that the Court has not recorded the specific finding on the *prima facie* case.

5. After having gone through the impugned order, it appears that there is substance in the submission advanced by the learned counsel for the appellants. The Court of X Additional District Judge, Tirupati has started consideration after framing the point on para Nos.7 & 8 onwards but has not considered the case/arguments of the defendants/defendants' counsel.

6. Issue notice to the respondents.

7. In addition to the normal mode of service, the appellants are permitted to take out personal notice to the respondents by registered post and acknowledgment due and file proof of service in the Registry before the next date of listing.

8. Post after four (04) weeks.

9. Considering the nature of the suit that it is for partition and dispute between the parties, which *prima facie* appears to be for some of the plaint schedule property to be self acquired property and not the ancestral property, which would require trial, we provide that the parties shall maintain status quo with respect to the plaint schedule property, till the next date of listing.

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**RAVI NATH TILHARI,J**

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**VENKATA JYOTHIRMAI PRATAPA,J**

Dated: 06.09.2024

AG