

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE No: C.R.P.No.19 of 2026

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
1.	07.01.2026	<u>JAK, J</u> Issue notice to respondents. Learned counsel for revisions petitioners is permitted to take out personal notice on respondents through SPAD and file proof of service by next date of hearing. O.S.No.91 of 2022 came to be filed by respondents/appellants/plaintiffs in the Court of Junior Civil Judge at Kosgi for perpetual injunction in respect of House bearing No.1-49 situated at SC colony, Maddur Village and Mandal, Narayanpet District. I.A.No.149 of 2022 under Order XXXIX Rule 1 & 2 of CPC came to be filed by the plaintiffs. Plaintiffs are wife and son of one late Sri Mala Chinna Venkatappa, in whose name the house stands. This fact is not in dispute. The defendants have put up a defence before the trial Court that they are in possession of the said property on the basis of a private sale deed dated 10.05.2005 in favour of one Byagari Thirupathaiah (defendant No.2 in the suit). It is the finding recorded in CMA No.9 of 2024 that private sale deed has not been placed on record. The trial Court by its order dated 30.04.2024 dismissed the I.A.No.149 of 2022 filed by respondents in this CRP. Aggrieved by the order in	Transferred to IO folder, before corrections, if any.

SL. NO	DATE	ORDER	OFFICE NOTE
		I.A.No.149 of 2022, CMA came to be filed before the Principal District Judge, at Narayanpet. Principal District Judge in his order dated 23.12.2025 allowed the CMA on the ground that sale deed executed by plaintiff No.2 in favour of defendant No.2 was not placed on record and that plaintiffs have made out a <i>prima facie</i> case with documents such as house tax receipts, electricity consumption bills and that the property let out in favour of defendant No.7 is to be determined during the trial. Learned Judge also went on the principle that possession follows the title and that <i>prima facie</i> there is balance of convenience in favour of petitioners. Hence, granted interim injunction. Learned counsel has invited the attention of this Court to the legal notice dated 08.03.2022, at Page No.64. It is observed from the contents of legal notice that respondents herein have demanded revision petitioner No.7 to pay monthly rents and that revision petitioner No.7 has been postponing the payment on one pretext or the other. It is also the case of respondents in this CRP that revision petitioner Nos.1 to 6 have been threatening with dire consequences. Be that as it may, it is observed from the material on record that legal notice issued on behalf of respondents specifically speaks of the house being given on rental basis, about 2 years back for a monthly rent of Rs.5,000/-. In other words, if the contents of legal notice are taken on record, it leads	

SL. NO	DATE	ORDER	OFFICE NOTE
		to the conclusion that respondent No.7 is residing in House No.1-49 and this fact cannot be ignored. For grant of an injunction, possession is an indispensable <i>sine qua non</i>. If considered in the facts and circumstances of the case, it is apparent that revision petitioner No.7 is a tenant in occupation of House No.1-49. Other contentions have been raised, but <i>prima facie</i> from the contents of the very legal notice issued on behalf of respondents, it is apparent that revision petitioner No.7 is residing as a tenant. Having considered the material on record, this Court is of the considered opinion that order passed by the Principal District Judge, dated 23.12.2025, be stayed for a period of THREE (03) WEEKS from the date of this order in the interest of justice. Post the matter on 23.01.2026. <u> </u> JAK,J plp	

SL. NO	DATE	ORDER	OFFICE NOTE