

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE SIXTEENTH DAY OF APRIL

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SMT JUSTICE M.G.PRIYADARSINI

IA No. 1 OF 2024

IN

AS NO: 200 OF 2024

Between:

Baluri Kishan Rao, S/o.Laxman Rao

...Petitioner

(Appellant in AS 200 OF 2024

on the file of High Court)

AND

1. Smt.Alapati Shiva Laxmi, W/o.Narender, Occ. Household, R/o.Devanpally (V), Kamareddy(M), Kamareddy District (earstwhile Nizamabad Dist)
2. Gummadi Laxmi Parvati, W/o.Rajender, Occ. Household, R/o.Gumasta Colony, Adloor (V), Kamareddy(M), Kamareddy District (earstwhile Nizamabad Dist.)
3. The Joint Collector, Nizamabad (presently Kamareddy District)
4. The Revenue Divisional Officer, Kamareddy
5. The Tahsildar, Kamareddy

...Respondents

(Respondents in-do-)

Counsel for the Petitioner : SRI B MAHENDER REDDY

Counsel for the Respondents : ---

Petition under Order 39 Rule 1 r/w Section 151 of C.P.C 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 Respondent Nos. 1 and 2 from alienating the suit schedule land admeasuring Ac.1.09 gts., in Sy.No.485 of Adloor Village, Kamareddy Mandal and District, pending disposal of

AS No. 200 of 2024, preferred to the High Court against the Judgment and Decree dated 15.12.2023 passed in OS No.06 of 2014 by the Principal District and Sessions Judge, Kamareddy.

Suit Schedule of property

Agricultural land bearing Sy. No.485 extent Ac.1-09 gts. Dry bounded by

North : Road
South : Land of Neighbours
East : Land of Alapati Narender in Sy No.491
West : Land of Neighbours

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).

ORDER

Heard the learned counsel for the appellant including the grounds of appeal.

The learned counsel for the appellant/plaintiff contended that the learned trial Court without proper appreciation of the evidence dismissed the suit filed by him seeking declaration of title, consequential injunction and rectification of revenue entries by relying on Exs.B1 and B2. It is further contention of the appellant that though it is the specific case of the appellant that Exs.B1 and B2 are created and fabricated documents, the learned trial Court failed to send the said documents to forensic laboratory to ascertain the genuineness of the documents. It is further submitted that pursuant to the dismissal of the suit, defendants are trying to alienate the land in Sy.Nos.485 and 491 to an extent of Ac.3.17 guntas and Ac.6.23 guntas respectively including the suit schedule land to an extent of Ac.1.09 guntas in Sy.No.485.

Though the trial Court has passed detailed judgment, the defendants have raised substantial grounds in this appeal, which can be decided only after full-fledged inquiry. It is to be seen that preferring

appeal is a statutory right and that a 'lis' has to be disposed of on merits. If the defendants succeed in alienating the schedule property, the very purpose of filing of the appeal would be defeated.

In view of the above facts and circumstances, the respondent Nos.1 and 2/defendant Nos.1 and 2 are restrained from alienating the suit schedule property to third parties till 11.06.2024.

//TRUE COPY//

SD/-K. SREERAMA MURTHY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal District and Sessions Judge, Kamareddy
2. Smt. Alapati Shiva Laxmi, W/o. Narender, Occ. Household, R/o. Devanpally (V), Kamareddy(M), Kamareddy District (earstwhile Nizamabad Dist)
3. Gummadi Laxmi Parvati, W/o. Rajender, Occ. Household, R/o. Gumasta Colony, Adloor (V), Kamareddy(M), Kamareddy District (earstwhile Nizamabad Dist.)
4. The Joint Collector, Nizamabad (presently Kamareddy District)
5. The Revenue Divisional Officer, Kamareddy
6. The Tahsildar, Kamareddy (2 to 6 By RPAD)
7. One CC to SRI B MAHENDER REDDY Advocate [OPUC]
8. One spare copy

HIGH COURT

MGP,J

DATED:16/04/2024

ORDER

**IA NO.1 OF 2024
IN
AS.No.200 of 2024**

DIRECTION

