



**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

WEDNESDAY, THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SMT JUSTICE P.SREE SUDHA

APPEAL SUIT NO: 457 OF 2007

Between:

1. Smt. Kamala Bai, W/o. Late R. Muttu Swamy,
2. M. Shashidharan Raju, S/o. Late Muttur Swamy,
3. M. Ramu @ Ramesh (died) per L.Rs.
4. M. Lakshman @ Suresh, S/o. Late Muttu Swamy, aged 38 years, Occ: Business. (All are residents of H.No.2-6-194 Sikh Village, Secunderabad.)
5. Smt. R. Suguna Bai, W/o. Ramalingam, aged 59 years, Occ.: Housewife, R/o. H.No.45/7, Pankajam Street, Puraswalakam, Madras.
6. Smt. Vanaja Shyama Sunder, W/o. Shyama Sunder, aged 48 years, Occ.: Housewife, R/o. Qutubullapur Mandal, Anjaiah Nagar, Jagathgiri Gutta, Ranga Reddy District.
7. Smt. Jayanthi Ganga Ram, W/o. Ganga Ram, aged 44 years, Occ.: Housewife, R/o. H.No.2-7-84, Sikh Village, Secunderabad.
8. Smt. C.V. Kalaivani, W/o. C. Anantha Kumar, aged 49 years, Occ.: Housewife, R/o. Plot No.90, Maruthinagar, Saroornagar Mandal, R.R.District.
9. Smt. Hemalatha, W/o. Late Ramesh Kumar, aged 39 years, Occ.: Household.
10. Kum. Nirosha, D/o. Late Ramesh Kumar, aged 14 years, Occ.: Student.
11. Master Pavan Kumar, S/o. Late Ramesh Kumar, aged 12 years, Occ.: Student.

(Applnts. 10 and 11 are minors rep. by their natural mother Smt. Hemalath, Appellant No.9)

(Appellants-9 to 11 are residents of 2-6-194, Sikh Village, Secunderabad.)

Appellants/ (Plaintiffs)

AND

1. K. BALARAJU, S/o late K. Anjaiah **(Died as per LR's Resp. Nos.11 to 15)**
2. K.Narayana, S/o late K. Anjaiah, R/o H.No.4-39, opp. Select Theatre, Macha Bollaram, Ranga Reddy District.



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3. Hasthinapuri Coop. Housing Society, (TBC No.384) Ammaguda, RR.Dist. rep. by its Secretary S Rama Swamy, S/o Subbayanna, R/o Plot No.1-10, Ammuguda, RR Dist.
4. B.Ratnagiri Shetty, S/o late BS Shetty,
5. B.Sitharam Shetty, S/o late BS Shetty,
6. B.Padmanabha Shetty, S/o late BS Shetty,
7. B.Vardhamana Shetty, S/o late BS Shetty,
8. B.Meera Shetty, S/o late BS Shetty,
9. Kusumamma, D/o late BS Shetty,
10. Baby, D/o late BS Shetty,
(Respondent Nos.4 to 10 are residents of H.No.6-4-8, Bolakpur, Secunderabad)

Respondents / Defendants

11. Smt. K.Kamamma, W/o. Late. Balaraju, Aged about 60 years, Occ. Housewife, R/o.H.No.2-3-38, Macha Bollaram, Madhura Enclave, Ward No.2, Alwal, R.R.District.
12. K.Niranjan, S/o. Late Balaraju, Aged about 30 years, Occ. Cultivation, R/o. H.No.2-3-38, Macha Bollaram, Madhura Enclave, Ward No.2, Alwal, R.R.District.
13. K.Aruna, D/o. Late Balaraju, Aged about 26 years, Occ. Housewife, R/o. H.No.2-3-38, Macha Bollaram, Madhura Enclave, Ward No.2, Alwal, R.R.District.
14. K. Bhagya Laxmi, D/o. Late Balaraju, Aged about 26 years, Occ. Housewife, R/o. H.No.2-3-38, Macha Bollaram, Madhura Enclave, Ward No.2, Alwal, R.R.District.
15. P.Balamani, W/o. Rammohan, Aged about 26 years, Occ. Housewife, R/o. H.No.2-3-38, Macha Bollaram, Madhura Enclave, Ward No.2, Alwal, R.R.District.

Respondent Nos.11 to 5

**(Respondent Nos.11 to 15 are brought on record as LR's of deceased Respondent No.1 as per Court Order dated 06.11.2024, vide AS.MP.No.1861 of 2015 (IA.No.2 of 2015) in AS.No.457 of 2007)
(Respondent Nos.4 to 10 are not necessary parties to this appeal)**

Appeal Under Section 96 of CPC against appeal against the judgment and decree dt. 23-02-2006 and made in OS No. 16/1998 on the file of the II Addl. District Judge, R.R. District at L.B. Nagar;

ASMP.No.1761 of 2007 (IA NO: 2 OF 2007)

Petition under Section 151 of CPC praying that in the circumstances stated in the accompanying affidavit filed herein, the High Court may be pleased to direct the Respondents 1 to 3 herein not to alienate the land to an extent of Ac.20-00 in Sy.Nos. 13 and 14 situated at Ammuguda, Ranga Reddy District, nor alter the nature



of the said land pursuant to the judgment and decree dated 23.02.2006 made in O.S.No. 16/1998, on the file of the II Addl. District Judge, Ranga Reddy District, pending AS No.457 of 2007 preferred there from to the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and the order of the High Court order dated 05.12.2009, 19.01.2010, 03.02.2010, 15.04.2010 made in ASMP.No.1761 of 2007 and upon hearing the arguments of Sri V HARI HARAN, Advocate for the Petitioners, the Court made the following;

ORDER

O.S.No.16 of 1998 was filed by the appellants/plaintiffs against respondents/defendants for declaration and to set aside compromise decree dated 17.11.1997 in A.S.No.49 of 1996 and the same was dismissed, against which this appeal is preferred.

Learned counsel for the appellant stated that appellant No.1 is the wife of one R. Muthu Swamy and respondent Nos.1 and 2 are the owners of the suit schedule property. The said R. Muthu Swamy filed a suit for specific performance against respondent Nos.1 and 2 way back in the year 1991 in O.S.No.62 of 1991 and it is still pending before the learned I Additional Senior Civil Judge, Malkajgiri. It is mainly contended that respondent Nos. 1 and 2 obtained compromise decree behind his back by colluding with respondent No.3.

Therefore, this Court finds that it is just and reasonable to direct the trial Court to dispose of O.S.No.62 of 1991 within three (03) months, as it



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is oldest matter and no further time will be granted. Both the counsels are directed to cooperate with the trial Court for disposal of the suit within stipulated time.

List this matter on 03.02.2025.

Sd/- B SARASWATI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Senior Civil Judge, Malkajgiri
2. The II Addl. District Judge, Ranga Reddy District at LB Nagar.
3. K.Narayana, S/o late K. Anjaiah, R/o H.No.4-39, opp. Select Theatre, Macha Bollaram, Ranga Reddy District.
4. Hasthinapuri Coop. Housing Society, (TBC No.384) Ammaguda, RR.Dist. rep: by its Secretary S Rama Swamy, S/o Subbayanna, R/o Plot No.1-10, Ammuguda, RR Dist.
5. Smt. K.Kamamma, W/o. Late. Balaraju, R/o.H.No.2-3-38, Macha Bollaram, Madhura Enclave, Ward No.2, Alwal, R.R.District.
6. K.Niranjana, S/o. Late Balaraju, R/o. H.No.2-3-38, Macha Bollaram, Madhura Enclave, Ward No.2, Alwal, R.R.District.
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9. P.Balamani, W/o. Rammohan, R/o. H.No.2-3-38, Macha Bollaram, Madhura Enclave, Ward No.2, Alwal, R.R.District.
(for 3 to 9 by RPAD)
10. One CC to SRI. V HARI HARAN, Advocate [OPUC]
11. One spare copy

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HIGH COURT

PSSJ

DATED: 06/11/2024

POST ON 03.02.2025



ORDER

AS.No.457 of 2007

DIRECTION