

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

**MAIN CASE No: S.A.No.88 of 2013**

**PROCEEDING SHEET**

<b>SL. NO</b>	<b>DATE</b>	<b>ORDER</b>	<b>OFFICE NOTE</b>
	25.09.2025	<p><b><u>JAK, J</u></b></p> <p style="text-align: center;"><b><u>I.A.No.1 of 2025</u></b></p> <p>This application is filed to condone the delay of (530) days in filing the LR petition to bring petitioner Nos.2 to 6/appellant Nos.2 to 6 on record.</p> <p>For the reasons stated in the accompanying affidavit, this application is ordered on costs of Rs.5,000/- to be paid to opposite party.</p> <p>It is made clear that LRs will be brought on record only upon payment of Rs.5,000/-. A Memo shall be filed to that extent of payment.</p> <p style="text-align: center;"><b><u>I.A.No.2 of 2025</u></b></p> <p>This application is filed to set aside the abatement in the appeal.</p> <p>For the reasons stated in the accompanying affidavit, this application is ordered.</p> <p style="text-align: center;"><b><u>I.A.No.3 of 2025</u></b></p> <p>This application is filed to permit the petitioner Nos.2 to 6 to come on record as appellant Nos.2 to 6 in the appeal being the LRs of appellant No.1.</p>	

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		<p>In view of the order of condone delay petition and setting aside the abatement petition, this application is ordered.</p> <p style="text-align: center;"><b><u>I.A.No.4 of 2025</u></b></p> <p>This application is filed to grant interim stay of all further proceedings pursuant to the judgment and decree passed in A.S.No.19 of 2010, dated 06.12.2012 on the file of III Addl. District Judge (FTC), Asifabad and the execution proceedings in E.P.No.8 of 2024 pending on the file of Senior Civil Judge at Asifabad.</p> <p>Learned counsel for petitioner submitted that O.S.No.37 of 2007 was filed for declaration of title and permanent injunction in respect of land admeasuring Ac.15.00 guntas in Sy.No.272, situated at Tungeda Village, Rebbena Mandal, Komurambheem Asifabad District. By judgment dated 02.07.2010, learned Senior Civil Judge, at Asifabad dismissed the suit filed by respondent/appellant/plaintiff herein (in the second appeal). The unsuccessful plaintiff carried the matter in appeal vide A.S.No.19 of 2010. Learned III Additional District Judge, Asifabad, by judgment dated 06.12.2012 allowed the appeal. The appellant in second appeal is respondent/defendant in the suit. The</p>	

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		<p>respondent herein is the successful appellant in first appeal, that is the plaintiff in suit filed E.P.No.8 of 2024 under Order 21 Rule II in the Court of Senior Civil Judge at Asifabad, on the grounds which are as follows:</p> <p>“As such consent to close this execution petition as infructuous. The same is recorded. Accordingly this execution petition is closed as infructuous granting liberty to the DHR if the legal heirs of the JDR or any other persons violated the decree passed by this Court, the DHR is at liberty to file the execution petition as per the rules and according to the law. Accordingly this execution petition is closed as infructuous and any execution applications pending in this execution petition shall stand closed dated Tuesday, this the 23<sup>rd</sup> date of July, 2024 in E.P.No.3 of 2022.</p> <p>That, inspite of Decree passed by the Hon’ble III Addl. Dist. Judge (FTC) Asifabad in A.S.No.19 of 2010 in O.S.No.37 of 2007, father of JDRS. The JDRs is willfully disobeying the decree for perpetual injunction passed against JDRs over the land bearing Sy.No.272, measuring Ac.15-00, situated at Thungeda Mdl: Rebbana, as such, this Hon’ble Court may kindly be pleased to issue warrant of arrest and detain the JDR in the civil prison U/ Order 21 Rule 32 of C.P.C. this Hon’ble Court may kindly be pleased to grant Police aid to the petitioner/DHR herein to protect his lawful and legal possession of the petitioner herein, over the suit schedule land bearing Sy.No.272, measuring Ac.15-00, situated at Thungeda, Mandal: Rebbena, as stated above from the hands of Respondents/JDRs, and to direct the S.H.O., P.S., Rebbena to give police aid to the petitioner herein, in the interest of justice.”</p> <p>Inviting the attention of this Court to column No.1 clause 6, it is submitted that on earlier occasion with regard to the same subject matter, execution petition came to be filed by the</p>	

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		<p>very same party vide E.P.No.3 of 2022 and the said EP was closed on 23.07.2024. It is also submitted that on the very same set of facts the present EP is filed and the said EP is listed before the concerned Court on 26.09.2025 that the execution application is filed seeking police protection.</p> <p>Be that as it may, the said facts are borne by record. Considered the entire factual matrix of the case, this Court deems it appropriate to stay the proceedings in E.P.No.8 of 2024 pending on the file of Senior Civil Judge at Asifabad, for a period of “THREE WEEKS ONLY” from today.</p> <p>Proceedings in E.P.No.8 of 2024 on the file of Senior Civil Judge at Asifabad are stayed for “THREE WEEKS ONLY”. Needless to state that the stay shall stand vacated after “THREE WEEKS”.</p> <p style="text-align: right;"><b>JAK,J</b></p> <p style="text-align: center;"><b><u>S.A.No.88 of 2013</u></b></p> <p>Post the matter on 24.10.2025.</p> <p>Meanwhile, learned counsel for respondent shall file counter affidavit.</p> <p style="text-align: right;">(B/o) plp</p>	

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