

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE A.VENKATESHWARA REDDY

IA No. 1 OF 2022

IN

SA NO: 250 OF 2015

Between:

- 1 Eedamgari Narsimha Reddy S/o late E Ram Reddy
- 2 Eedamgari Laxma Reddy S/o late E Ram Reddy
- 3 Eedamgari Balwanth Reddy S/o late E Ram Reddy
- 4 Eedamgari Vittal Reddy S/o late E Ram Reddy
- 5 Eedamgari Pratap Reddy S/o late E Ram Reddy

...Petitioners

(Appellants in SA 250 of 2015
on the file of High Court)

AND

B.Chilkamma W/o B Ram Reddy S/o late E Ram Reddy, R/o No.7-12, Plot No.17,
near Laxminarasimha Swamy temple, Main road, Hyder-shah-kote Village,
Rajendranagar Mandal, R.R.District

...Respondent

(Respondent in-do-)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to extend the interim order dt. 01/05/2015 in SAMP No.705 of 2015 in S.A.No.250 of 2015 until further orders.

SAMP.NO:705 of 2015

Petition under Section 151 of C.P.C. praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to suspend the operation of the judgment and decree dated 12-2-2015 passed in AS no. 226/2008 on the file of the V Additional District Judge, Ranga Reddy District at L.B.Nagar to the extent of the dismissal of the relief in respect of the scheduled A properties; pending disposal of SA No. 250 of 2015 preferred to the High Court against the judgment and decree dated 31.12.2007 in O.S.No.1316/2004 on the file of the court of I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar against the reversal judgment and decree dated 12.02.2015 in A.S.No.226/2008 on the file of the court of V Additional District Judge of Ranga Reddy District at L.B.Nagar.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order o the High Court dated 01.05.2015 made in SAMP.No.705 of 2015 and 22.03.2021 made in IA.No.1 of 2021 order dated 23.06.2021, 05.07.2021 made in SA No.250 of 2015 and order dated 14.07.2021 made in SAMP No.705 of 2015 and upon hearing the arguments of Sri R Sushanth Reddy Advocate for the Petitioners and Sri B Dananjaya Advocate for the Respondent, the Court made the following.

ORDER

THE HON'BLE SRI JUSTICE A.VENKATESHWARA REDDY

I.A.No.1 OF 2022
IN
S.A.No.250 OF 2015

ORDER:

This interlocutory application is filed for extension of the interim order dated 01.05.2015 in S.A.M.P. No.705 of 2015 in S.A.No.250 of 2015 on the file of this Court until further orders and to pass such other orders as the Court may deem fit.

2. Heard learned counsel on both sides. The submissions made by learned counsel on both sides have received due consideration of this Court. Perused the record, including proceedings dated 22.03.2021 in I.A.No.1 of 2021 and principles laid by the Hon'ble Supreme Court in **Asian Resurfacing of Road Agency Pvt. Ltd., and another Vs. Central Bureau of Investigation¹**.

3. Having regard to the submissions made by the learned counsel, this Court, while considering the clarification dated 22.07.2019 extended the stay by another 12 weeks with a

¹(2018) 16 SCC 299

direction to list the matter on 07.06.2021. Again on 23.06.2021 interim order granted was extended till 05.07.2021. That on 05.07.2021 interim order was again extended for another two weeks.

4. As per the proceedings dated 14.07.2021 while disposing of S.A.M.P.No.705 of 2015 this Court has made clear that the interim orders passed earlier stands extended until further orders with a condition that the appellants shall not alienate and shall not create any third party interests over the suit schedule property or encumber the extent of the share granted by the lower appellate Court in favour of the respondent/plaintiff.

5. That being the factual situation, in this case, the learned counsel for the petitioners/appellants has filed this application again for extension of interim orders. It is submitted by the learned counsel for the petitioners that the trial Court considering the judgment of **Asian Resurfacing of Road Agency Pvt. Ltd., and another Vs. Central Bureau of Investigation (Cited supra)** insisting extension of the interim order by ~~this~~ Court and that if a final decree is passed, the

petitioners/appellants may lose possession of the suit schedule property and second appeal would become infructuous.

6. This second appeal is filed in the year 2015 and because of various reasons, beyond the control of the parties, the matter could not be disposed of and accordingly, this Court from time to time extended the stay orders in the final decree proceedings before the trial Court. Finally on 14.07.2021 as per orders in S.A.M.P. No.705 of 2015 were extended until further orders with a condition that appellants/defendants shall not alienate and shall not create any third party interests nor encumber the extent of share granted by lower appellate Court in favour of the respondents/plaintiffs.

7. On identical facts in **K.Ranga Prasad Varma Vs. Kotikalapudi Sitarama Murthy and others**² a learned Single Judge of High Court of Andhra Pradesh at Amaravati relying on the judgment of Karnataka High Court has held that the contingency of expiry of stay after six months would arise only in cases where there is stay of trial and set aside the impugned

² 2019 (5) ALD 4

docket order on the file of I Additional District Judge at Visakhapatnam.

8. Therefore, in such facts and circumstances of the case since the final decree proceedings are in progress before the trial Court and it may not be possible to dispose of the second appeal of the year 2015 at once and also considering the request of the learned counsel for the appellants, the stay granted on 14.07.2021, as extracted above, is extended till further orders subject to the conditions mentioned therein.

9. Accordingly, with the above observations this interlocutory application is allowed and the stay granted earlier on 14.07.2021 is extended till further orders. In the circumstances of the case, the parties shall bear their respective costs.

//TRUE COPY//

SD/- T. TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The V Additional District Judge, Ranga Reddy District at L.B.Nagar
2. The I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar
3. One CC to Sri R Sushanth Reddy Advocate [OPUC]
4. One CC to Sri B Dananjaya Advocate [OPUC]
5. One spare copy

HIGH COURT

AVRJ

DATED:29/04/2022

ORDER

**IA NO.1 OF 2022
IN
SA.No.250 of 2015**



INTERIM ORDER EXTENDED