

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY, THE SECOND DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

IA No. 1 OF 2025
IN
CCCA NO: 78 OF 2025

Between:

Smt. A. Laxmi Devi, W/o. Sri A. Sabaiah, aged about 69 years, Occ. business
R/o. Flat No.201 and 202, Laxmi Samba Nilayam 8-4-544/74/65,
Sanjaynagar, Erragadda, Hyderabad.

...Petitioner/ Appellant
(Petitioner in CCCA 78 OF 2025
on the file of High Court)

AND

1. Sri A. Sabaiah, S/o. late Sri A. Balaiah, aged about 72 years Occ . retired service, R/o. Flat No.6, Srinivas Apartments Plot No.185/B, Motinagar, Hyderabad - 500 018.
2. Sri A. Sharat Chandra, S/o. Sri A. Sabaiah, aged about 54 years Occ . business, R/o. Flat No.6, Srinivas Apartments Plot No.185/B, Motinagar, Hyderabad - 500 018.
3. Sri A. Vijaya Chandra, S/o. Sri A. Sabaiah, aged about 51 years, Occ . business R/o. Flat No.201 and 202, Laxmi Samba Nilayam 8-4-544/74/65, Sanjaynagar, Erragadda, Hyderabad.
4. M/s. Pride Live-Inn, represented by its partner Sri A. Vijaya Chandra S/o. Sri A. Sabaiah, aged about 51 years Occ. business,. R/o. Flat No.201 and 202 Laxmi Samba Nilayam, 8-4-544/74/65 Sanjaynagar, Erragadda, Hyderabad.
5. Sri Sai Harshith -.the Men's Hostel, represented by Sri K. Kishore R/o.2-55/22 and 23, Sri Rama Colony Near Tata Docomo Showroom Madhapur, Hyderabad - 500 081. (respondents Nos.3 to 5 are not necessary parties to this appeal)

...Respondents
(Respondents in-do-)

Counsel for the Petitioner :SRI SHYAM S AGRAWAL
Counsel for the Respondent : -----

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 pass order staying all further proceedings in pursuance of the impugned judgment and decree dated 06-01-2025 passed in O.S.No.167/2012 on the file of the III Additional Chief Judge, City Civil Court, Hyderabad, pending disposal of CCCA No. 78 of 2025, on the file of the High Court.

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 learned counsel for the appellant.

Learned counsel for the appellant would submit that the preliminary decree passed by the trial Court in respect of Schedule-D property is contrary to the evidence and material placed on record, since as per observation and finding of the trial Court, the property belongs to deceased son of plaintiff No.1 and defendant No.1 and defendant No.1 succeeded to the property, however, the trial Court has passed preliminary decree only on the ground that plaintiff No.1/respondent No.1 made certain payments to Syndicate Bank, from whom the respondent No.4 has taken loan. He further submits that respondent No.1/plaintiff is no way concerned nor has any right in respect of schedule – D property and only on the basis of payment,respondent No.1/plaintiff cannot be given share in the property. Therefore, prayed this Court for stay of impugned judgment and decree.

Considering the submissions made by learned counsel for the appellant as well as reasons set out in the affidavit, there shall be interim stay as prayed for.

**SD/-N.SRIHARI
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. III Additional Chief Judge, City Civil Court at Hyderabad.
2. Sri A. Sabaiah, S/o. late Sri A. Balaiah, Occ . retired service, R/o. Flat No.6, Srinivas Apartments Plot No.185/B, Motinagar, Hyderabad - 500 018.
3. Sri A. Sharat Chandra, S/o. Sri A. Sabaiah, Occ . business, R/o. Flat No.6, Srinivas Apartments Plot No.185/B, Motinagar, Hyderabad - 500 018.
(RR 1 & 2 By RPAD)
4. One CC to SRI. SHYAM S AGRAWAL Advocate [OPUC]
5. One spare copy

HIGH COURT

LNAJ

DATED:02/05/2025

ORDER

IA.NO. 1 OF 2025
IN
CCCA.No.78 of 2025

STAY

