

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY ,THE SECOND DAY OF JULY TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE DR. JUSTICE G.RADHA RANI

IA No. 2 OF 2024

IN

AS NO: 344 OF 2024

Between:

Smt.M.Usha Kiran, W/o Mali Vijaya Sekhar Reddy, Aged about 46 Years,
Occ.House wife resident of Flat No.304, H.No.11-13-1197/1, Sri Shilaja
Harmony, R.K.Puram, Kothapet, Hyderabad 500035

...Petitioner/Appellant

(Petitioner/Appellant in AS 344 OF 2024
on the file of High Court)

AND

1. GRR & APPLIED DEVELOPERS, Rep by its Managing Partner Sri.T.Prakash Reddy S/o Sri.T.T.Reddy Aged about 50 years, Occ.Business Plot No.14, Phase-I, Kalyan Nagar, Hyderabad-500038
2. GRR and APPLIED DEVELOPERS, Rep by its Managing Partner Sri.G.RamaKrishna Reddy S/o G.Bhuma Reddy Aged about 49 Years, Occ. Business Plot No.77 Marigold, Land T Serena County, Gachibowli, Hyderabad-500032.
3. Smt.Mandava Jaya Lakshmi Visweswari, W/o M.Seetharama Rao aged 67 Years, Occ.House Wife,Flat No.406, BNR Apartments, Upperapally, Ranga Reddy dist
4. Mandava Seetharama Rao, S/o Late Satya Narayana Aged about 74 Years, Occ.Retd Employee Flat No.406, BNR Apartments, Upperapally, Ranga Reddy dist.
5. Smt.Mandavalli Padmini Manasa, W/o Vcnu G.Bandla Aged about 40 Years, Occ.Pvt Employee Flat No.404, Gharonda Mahima Apartments, Beside S.B.I, Padmarao Nagar, Hyderabad
6. Attaluri Venkata Krishna Rao, S/o late Pattabhi Ramaiah Aged about 78 Years, Occ.Retd Employee Flat No.01, Mayuri Deluxe Apartments, Chandramouli Ring Road, Guntur-522007
7. Sri.Tummala Srinivasa Sivananda Prasad, S/o late Subba Rao Aged about 44 Years, Occ. Employee Ph-3, Sujana Aparts, Srinagar, Vijaywada-8.
8. Dukkupati Bhaskar Rao, S/o Not known to the plaintiff Aged about Major, Occ.Retd Employee H.No.76-4-33, Aishwarya Apts, Gandhipuram-2, Rajahmundry-533103
9. Smt.Chintamaneni Sowbhagya Vardhani, W/o C.V.S.K.Prasad, Aged about 64 Years, Occ. House Wife TMC Reliance Greens, Jamnagar, Gujarat
10. Somayajula Koteswara Sarma, S/o late Suryanarayana Aged about 74 Years, Occ.Retd Employee Somayajula Koteswara Sarma S/o late Suryanarayana Aged about 74 Years, Occ.Retd Employee Flat No.402, Sai Prasanna, H.No.1-9-314/4, Vidya Nagar, Hyderabad.
11. Sri.Balusu Rama Satya Narayana Vara Prasad Rao, S/o late Krishnaiah Aged about 76 Years, Occ.Retd Employee

12. Smt.Yalamanchili Leela, W/o Y.Satyanarayana Aged about 72 Years, Occ.House Wife H.No.8-3-227/F-106, Sri Krishna Sai Apts Yousufguda, Hyderabad-45
13. Smt Karuturi Bharathi, W/o K.Narasimha Murthy, aged about 67 years, Occ:Retd Employee, H.No.15-9, Kodandarama Nagar Colony, Near Dilsukh Nagar, Hyderabad - 60.
14. Sri.Chandra Satyanarayana, S/o Late Punnaiah Aged about 61 Years, Occ.Retd Employee Flat No.6, 'Doha Residency, H.No.11-9-38/A, Burhanpuram, Khammam -507002.
15. Smt. Yalamanchili Lakshmi Rajyam, W/o Y.Subbaiah Aged about Major, Occ.House Wife MIG-B/54, AS Rao Nagar, Hyderabad-62
16. Smt.Kosaraju Saraswathi, W/o Late K.Venkateswara Rao Aged about 82 Years, Occ.House hold P-3, Sandilya Towers, Machavaram, Vijaywada-4
17. Sri.Aravapalli Bose, S/o Late Krishna Rao Aged about 66 Years, Occ.Agriculture NTR Nagar, Srinagar Colony, Gannavaram Krishna dist-521101
18. Smt.Aravapalli Sravanthi, W/o A.Ranadhir Aged about 38 Years, Occ.House Wife Flat No.303, Classic, Enclave, H.No.6-3-667/ 17, Yashoda Hospital Road, Panjagutta, Hyderabad-82
19. Sri.Tummala Krishna Prakash, S/o Madhusudhana Rao Aged about 60 Years, Occ.Retd Employee G-62, Madhuranagar, Hyderabad-38
20. Smt.N.V.Jyotsna, D/O T.G.Rao Aged about 48 Years, Occ.House Wife G-62, Madhura Nagar, Hyderabad-38,
21. Smt.Aravapalli Vijay Lakshmi, W/o A.Bose Aged about 62 Years, Occ.House Wife NTR Nagar, Srinagar Colony, Gannavaram Krishna Dist-521101
22. Smt.Malempati Pameela Kumari, W/o M.Narasimha Rao Aged about 63 Years, Occ.House Wife, Flat No.507, H.No.12-6-2/230, Venkata Pushpa Towers, T.V.R.Nagar, Kukatpally, Hyderabad-72
23. Sri.Kodali Raja Veeraiah, S/o Late Anjaiah Aged about 80 Years, Occ.Retd Employee Plot No.541, Road No.26, Jubilee Hills, Hyderabad
24. Sri.Dondapati Sashi Deep, S/o Sambasiva Rao Aged about 38 Years, Occ. Employee NTR Nagar, Srinagar Colony, Gannavaram Krishna Dist-521101
25. Smt.Dondapati Tulasi, W/o Sashi Deep Aged about 34 Years, Occ.Employee NTR Nagar, Srinagar Colony, Gannavaram Krishna Dist-521101
26. Sri.Koneru Vasudeva Rao, S/o Late Raghuramiah Aged about 52 Years, Occ. Employee H.No.8-3-227/F-106, Sri Krishna Sai Apts, Yousufguda, Hyderabad-45
27. Sri.Anumolu Venu Babau, S/o Ramanujaiah Aged about 50 Years, Occ. Business Chintapadu Tiruvuru Mandal, Krishna Dist
28. Sri.Movva Srinivas Rao, S/o Prasada Rao Aged about 46 Years, Occ. Employee H.No.1-1-336/13, Vivek Nagar, Chikkadapally Hyderabad-20.
29. Tatineni Srinivasa Babu, S/o T.Srihari Rao Aged about 47 Years, Occ,. Employee H .No.32-5-11, Prajasakthi Nagar, Vijawada-10,
30. Sri.Paladugu Pullayya Chowdary, S/o P.Satyanarayana Aged about 47 Years, Occ.Employee Gogunta, Pedapadu Mandal, West Godavari dist
31. Smt.Gottipati Kalpana, W/o Yalamanchili Phani Bhusan Aged about 41 Years, Occ.Employee H.No.8-3-227/F-106, Sri Krishna Sai Apts, Yousufguda, Hyderabad-45

32. Smt.Marupudi Padmaja, W/o Marupudi Sujeev Aged about 48 Years,
Occ.Employee H.No.7-1-14/1, Bodepudi Chowk, Dwaraka Nagar, Khammam
-507002
33. Smt.Gullapalli Vimdhya Rani, W/o Late Kolli Bose Babu, Aged about 66
Years, Occ.House hold H.No.7-1-14/1, Bodepudi Chowk, Dwaraka Nagar,
Khammam -507002
34. Sri.Kamma Sridhar, S/o Late Ramachandra Rao Aged about 44 Years,
Occ.Retd Employee H.No.11-7, Katta Subba rao Thota, Eluru-534006
35. Sri.Kantamaneni Kanaka Durga Prasad, S/o Late K.Lakshminarayana
Chowdary Aged about 71 Years, Occ.Retd Employee 12-B-AWHO, Sector-B,
sikh Village, Secundrabad.
- (Respondents 3 to 35 are not necessary parties in this petition)

...Respondents
(Respondents in-do-)

Counsel for the Petitioner :SRI VSRMV PRASAD SANAKA
Counsel for the Respondent :

Petition under Section XXXIX Rule 1 & 2 and RW 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant Ad-Interim Injunction restraining the respondents/ Respondents not to create / alienate to the third parties in respect of suit schedule property;

SCHEDULE OF PROPERTY

All that the open Plot bearing No.28, admeasuring 266.00 Sq.yds in EDEN Gardens, layout developed in Sy.Nos.108/A, 108/AA,E, 109/A, 109/AA, 109/E, 157/A, 158/A, 159/A,160/A,173/AA,174/A & 174/AA situated at Mokila village and Gram Panchayat, Shankarpally Mandal, Rangareddy dist bounded by

North	:Plot No.27
SOUTH	:Plot No.29
East	:Plot No.33
West	:40' Wide Road

pending disposal of AS No.344 of 2024, preferred to the High Court against the judgment and Decree dated 26.03.2024 passed in O S No.51 of 2022 on the file of Senior Civil Judge, Rangareddy District at Chevella.

The court while directing issue of notice to the Respondents 1 & 2 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:

This application is filed by the petitioner – appellant to grant ad interim injunction restraining the respondents not to create / alienate to third parties in respect of suit schedule property.

Heard the learned counsel for the petitioner – appellant.

Learned counsel for the petitioner submitted that the appellant was the plaintiff. The plaintiff filed the suit for specific performance of agreement of sale dated 12.09.2018 with respondents 1 and 2 for purchasing open plot bearing No.28 admeasuring 266 square yards at Mokila Village and Gram Panchayat, Shankarpally Mandal, Rangareddy District. Out of total sale consideration of Rs.38.00 lakhs, the plaintiff paid Rs.20.00 lakhs. At the time of entering the agreement of sale, the suit schedule property was mortgaged with HMDA and the same was suppressed buy respondents 1 and 2. On knowing the said fact, the petitioner – appellant and her husband insisted for release of plot from mortgage from HMDA and on their exercising pressure, the respondents took steps for release of mortgage and finally in the year 2020 got released the mortgage.

Learned counsel for the petitioner further submitted that the petitioner - plaintiff was having an ad interim injunction in her favor not to create any third party interest during the pendency of the suit, which was extended till the disposal of the suit. The appellant – plaintiff was ready and willing to perform her part of her obligation, but the trial court granted only the alternative relief of refund of advance amount. She was having good grounds to succeed in the appeal. The respondents 1 and 2 remained ex-parte even before the trial court and prayed to grant ad interim injunction restraining the respondents not to create any third party interest in respect of the suit schedule property pending disposal of the appeal.

Considering the submissions of the learned counsel for the petitioner – appellant and that an ad interim injunction was there in her favor till the disposal of the suit not to create any third party interest, it is considered fit to grant ad interim injunction till 07.08.2024.

Issue notice to the respondents 1 and 2.

Learned counsel for the petitioner – appellant is permitted to take out personal notice on the respondents 1 and 2 through RPAD and file proof of service of notice.

Post this matter on 07.08.2024.

//TRUE COPY//

SD/-MOHD. ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chief Judge, City Civil Court, Hyderabad (in duplicate along with a copy of Petition and injunction to serve on respondent 1 and to return the same)

2. The District Judge, Rangareddy District at L.B.Nagar, Hyderabad (in duplicate along with a copy of Petition and injunction to serve on respondent 2 and to return the same)
3. The Senior Civil Judge, Rangareddy District at Chevella
4. Sri.T.Prakash Reddy S/o Sri.T.T.Reddy, Managing Partner, GRR & APPLIED DEVELOPERS, Aged about 50 years, Occ.Business Plot No.14, Phase-I, Kalyan Nagar, Hyderabad-500038
5. Sri.G.RamaKrishna Reddy S/o G.Bhuma Reddy, Managing Partner, GRR and APPLIED DEVELOPERS, Aged about 49 Years, Occ. Business Plot No.77 Marigold, Land T Serena County, Gachibowli, Hyderabad-500032. (4 & 5 by RPAD)
6. One CC to SRI. VSRMV PRASAD SANAKA Advocate [OPUC]
7. One spare copy

HIGH COURT

DR.GRRJ

DATED:02/07/2024

POST ON 07-08-2024

ORDER

**IA.NO.2 OF 2024
IN
AS.No.344 of 2024**



DIRECTION