

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

FRIDAY, THE TWENTY FOURTH DAY OF AUGUST,
TWO THOUSAND AND EIGHTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

IA Nos. 1 to 4 OF 2018

IN

CCCA NO: 132 OF 2018

Between:

(Shankar Rao Bawgikar died as per his LRs, 1st defendant in O.S. No. 189/2002)

1. Usha Bawgikar, W/o Late Shankar Rao Bawgikar
2. Dr. Surya Kumar Bawgikar, S/o Late Shankar Rao Bawgikar
3. Smt Hema, D/o Late Shanker Rao Bawgikar,
4. Sangita Bawgikar, D/o Late Shankar Rao Bawgikar

Appellants/ Defendants 15, 16, 17 & 18
(Appellants in CCCA 132 OF 2018
on the file of High Court)

AND

Gopal Rao Bawgikar, (died as per LRs. 2 to 5), S/o Late Bhimarao Bawgikar

Smt. Vimal Gopal Rao Bawgikar, (died as per LRs 3 to 5), W/o Late Gopal Rao Bawgikar

Sri Devidas Gopal Rao Bawgikar, (died) as per LRs 6 to 9), S/o Late Gopal Rao Bawgikar

1. Sri Durgadas Gopal Rao Bawgikar, S/o Late Bhimarao Bawgikar, R/o H.No. 5-1-223/1,
Sunder Bhawan, Jambagh, Hyderabad (Son & LR of R-1)
...Respondent/Plaintiff-4
2. Shama Narayanpetkar, D/o Late Gopal Rao Bawgikar, W/o Gopal Rao Narayanpetkar,
R/o H.No. 5-1-223/1, Sunder Bhawan, Jambagh, Hyderabad (LR of R-1)
Respondent/Plaintiff-5
Smt. Smitha @ Jyothi, W/o Late Devidas Gopal Rao Bawgikar (died per LR of R-3)
3. Bheema Shankar, S/o Late Devidas Gopal Rao Bawgikar, R/o Babanagar, Nanded,
Karnataka State, (Son & Lr of R3)
Resodnent/Plaintiff-7
4. Kum. Pratima, D/o Late Devidas Gopal Rao Bawgikar, W/o Radhesh Chidgopakar,
R/o Dilsukhnagar, Hyderabad (Daughter & Lr of R-3)
---Resodent/Plaintiff-8
5. Master Gopal, S/o Late Devidas Gopal Rao Bawgikar, R/o Baba Nagar, Nanded,
Maharashtra State (son & Lr of R-3)
---Respondent/Plaintiff-9
Smt Kalavati Bai Patil, D/o Late Bhimrao Bawgikar (died) per LRs, Defendant No. 5 to 8,
Smt. Sarala, W/o Govind Rao, (died per LRs)
6. Smt. Latha Kashikar, W/o Late Prabhkar Rao Kashikar, R/o H.No. 5-2-1015, M.J.
Market Road, Hyderabad (LR)
....Respondent/Defendant-4
7. Sri Vijayendra V. Patil, S/o Vasudeva Rao Patil, R/o Plot No. 52, Shivnagar, Papnasi
Road, Bankers Colony, Bidar (Karnataka)(son & LR of R-10)
---Respondent/Defendant-5
8. Sri Rajendra V. Patil, S/o Vasudeva Rao Patil, R/o H.No. Vithalnagar, Opp: Amul
Bakery, Nanded, Maharashtra State (Son & LR of R-10)
---Respondent/Defendant-6

9. Smt. Sharyu Korwar, W/o Dattatreya Rao Korwar, D/o Late Smt Kalavati Bal Patil, R/o CIDCO No. 3-427 Aurnagabad, Maharashtra State, rep by her GPA Sri Vijayendra Patil, S/o Lae Vasudeva Rao Patil, R/o 19-1-240, Banker Colony Bidar, Karnataka (daughter & LR of R-10)
---Respondent/Defendant-7
10. Smt. Shubhangi Wadgaonkar, W/o Late Arvind Adgaonkar, D/o Late Smt Kalavati Bai Patil, R/o C/o Sri Vijayendra Patil, Plot No. 52, Shivnagar, Banker Colony, Bidar, Karnataka (daughter & LR or R-10)
--Resondents/Defendant-8
11. Smt Y. Manjula, W/o Y. Anant Kumar, R/o LIG 345, APHB Colony, Moula Ali, Hyderabad (daughter & LR of R-11)
---Resondent/Defendant-9
12. Sri K. Mangesh, S/o Late K. Govinda Rao, R/o 5-11-11, NFC Main Road, Hyderabad, (Son of LR of R-11)
---Respondent/Defendant-10
13. Smt Madhluri Korwar, W/o Dilip Korwar, R/o Sai Bhavani Enclave, Flat N. 304, Ganga Block, Ganesh Nagar, Road No.3, Ramanthapur, Hyderabad (daughter & LR of R-11)
..Respondent/Defendant-11
14. Megha K. W/o Late K. Vijay Kumar, R/o G-1, Raghavendra Apartment, Dharam Karam Road, Amerpet, Hyderabad,, 22 K. Manoj, S/o Late K. Govind Rao, R/o LIG 345, APHB Colony, Moulali, Hyderabad (daughter & LR of R-11)
--Respondent/Defendant-12
15. K. Manoj, S/o Late K. Govind Rao, R/o LIG 34, APHB Colony, Moulali, Hyderabad (Son & LR of R-11)
-Respondent/Defendant-13
16. K. Mukesh, S/o Late K. Govind Rao, R/o LIG 345, APHB Colony, Moulali, Hyderabad (daughter & LR of R-11)
---Respondent/Defendant-14/
Respondents/Plaintiffs/Defendants

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to modify/clarify the orders dated 02-05-2018 made in IA.No. 1 of 2018 in CCCA. No. 132 of 2018 in the interest of justice;

IA. No. 3 of 2018:

Petition under Section 148 of CPC, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to extend the interim orders dated 02/05/2018 made in IA.No.2/2018 in CCCA.132/2018 in the interest of justice.

I.A. NO. 2 OF 2018:

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to grant stay of all further proceedings made in judgment and decree in OS.No.189 of 2002, dt.02-02-2018 on the file of the Court of Additional Judge-cum-VI Senior Civil Judge, CCC, Hyderabad including passing of final decree and also execution of judgment and decree dt.02-02-2018 in OS.No.106 of 2010, pending disposal of CCCA No. 132 of 2018, on the file of the High Court.

I.A. NO.1 OF 2018:

Petition under order 39 Rule 1 & 2 R/w Section 151 CPC praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to grant interim injunction restraining the respondents in interfering the petitioners peaceful possession and enjoyment of the suit schedule property situated at House No. 6-3-1180 & 6-3-1181 admeasuring 1225 sq yards at Bhola Shankar Makta, Begumpet, Hyderabad-16 pending disposal of CCCA No. 132 of 2018 presented to the High Court against the Order of the Court of the Addl. Judge cum VI Senior Civil Judge, City Civil Court at Hyderabad passed in OS. NO. 189 of 2002, dated 02-02-2018.

The petition coming on for hearing, upon perusing the petition and affidavit filed herein, and orders of the High Court dated 02-05-2018 made in IA. Nos. 1 & 2, and 20-06-2018 made in IA. No. 1 of 2018 and dated: 05.07.2018 & 27-7-2018 made herein, and upon hearing the arguments of Sri Mirza Nisar Ahmed Baig, Advocate for the Petitioners, the Court made the following

ORDER:

“No representation for the respondents. Learned counsel for the petitioners is present.

In the interests of justice, one last opportunity is being granted.

List on 04-09-2018 for filing counter.

It is made clear that if the counter is not filed, the matter will be heard and appropriate orders will be passed in all interlocutory applications.

Interim order is extended till 04-09-2018.”

//TRUE COPY//

Sd/- T. RANGA BABU
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Additional Judge-cum-VI Senior Civil Judge, City Civil Court, at Hyderabad
2. One CC to Sri. Mirza Nisar Ahmed Baig, Advocate [OPUC]
3. One spare copy

HIGH COURT

DVSS,J

DATE: 24-8-2018

I.A. NOs. 1 TO 4 OF 2018
IN
CCCA. NO. 132 OF 2018

EXTENDING THE INTERIM ORDER

