

HIGH COURT FOR THE STATE OF TELANGANA: HYDERABAD

MAIN CASE NO: **Second Appeal No.519 of 2025**

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
2.	19.11.2025	<u>RY,J</u> <u>I.A.No.1 of 2025</u> Dispensed with for the present. <u>I.A.No.2 of 2025</u> The present application is filed to condone the delay of (134) days in resubmitting the Second Appeal. Heard learned counsel for the petitioner/appellant. For the reasons stated in the accompanying affidavit, the delay of (134) days in resubmitting the appeal, is hereby condoned. Accordingly, the application is ordered. <u>S.A.No.519 of 2025</u> Heard learned counsel for the appellant/appellant/plaintiff. The appellant filed a suit in O.S.No.103 of 2009 for perpetual injunction and the same was dismissed by the I Additional Junior Civil Judge, Vikarabad, Ranga Reddy District vide judgment and decree dated 25.10.2019. Aggrieved by the same, the First Appeal was preferred before the Principal District Judge, Vikarabad District vide A.S.No.6 of 2020 and the same was	

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		dismissed confirming the judgment and decree of the Trial Court vide judgment and decree dated 24.02.2025. Aggrieved by the concurrent findings, the present Second Appeal is preferred. In the Second Appeal, the following substantial questions of law arise for consideration: 1. Whether the admission of oral partition is sufficient proof of partition in matters other than those covered under Section 6(5) of Succession Act? 2. Whether the Appellate Court erred in disbelieving the partition of the suit property between the appellant and respondent by going beyond the admitted pleadings and evidence adduced? 3. Whether entries in the revenue records are conclusive proof of possession despite express admissions to the contrary by the parties? 4. Whether revenue records reflecting separate extents of the property for each party is sufficient proof of partition and subsequent exclusive possession of the parties respectively? ADMIT. Issue notice to respondent. Personal service is permitted. Call for the records from the trial and	

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		Appellate Courts concerned. List this matter on 21.01.2026 for hearing. <u>I.A.No.3 of 2025</u> This application is filed under Order 39, Rule 1 and 2 r/w 151 of CPC seeking injunction restraining the respondent from interfering with the peaceful possession of the petitioner/appellant/plaintiff over the suit schedule property. In view of the substantial questions of law raised, since the possession of the appellant is admitted by DW2 in his cross examination, balance of convenience is in favour of the appellant and therefore, ad-interim injunction is granted till the next date of hearing. _____ RY,J gvl	

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