



**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE RENUKA YARA

CIVIL MISCELLANEOUS APPEAL NO: 241 OF 2025

Appeal Under Order 43 Rule 1 of CPC against orders dated 27-02-2025 passed in IA No. 1642 of 2019 in OS No. 329 of 2019 on the file of the Court of the VI Additional District and Sessions Judge, RR District at Kukatpally.

Between:

Mohd Bin Salam, S/o late Salam Bin Ahmed, Aged about 52 yrs, Occ- Business,
R/o H.No. 8-2-332/1/B. Mega City No. 164. Road No.3. Baniara Hills. Hyderabad

...Appellant/Plaintiff

AND

1. Pochamma @ Pushpamma, W/o K. Veeraswamy. D/o late J. Malliah, aged about 64 years Occ- Household. R/o 8-4, Lakdapa. Eeda Pasha Mailaram, Medak District- 502 307.
2. B. Susheela, W/o Bantu Pochiah, D/o late J. Malliah, Aged about 68 yrs, Occ- Household., R/o 1-81, Sangareddy, Chidrupa, Medak District.
3. J. Yadiab, S/o Late J. Malliah @ Pedda Malliah, Aged about 58 yrs. Occ- Business,
4. J. Balraj, S/o late J. Sattiah, Grand son of Late J. Malliah @ Pedda Malliah, Aged about 48 yrs, Occ- Business.
5. J. Pochiab, S/o Late J. Sattiah, grand son of Late J. Malliah @ Pedda Malliah. Aged about 46 yrs, Occ- Business
6. J. Anjanyulu, S/o late J. Sattiah, Grand son of Late J. Malliah @ Pedda Malliah, Aged about 58 yrs, Occ- Business.
7. J. Padma, W/o Late J. Mallesh, Daughter in law of J. Sattiah, Aged about 33 yrs, Occ- Household,
8. Miss J. Nikhita, D/O late J. Mallesh Aged 22 yrs, Occ- Student
9. Miss J. Ankitha, D/o late J. Mallesh, Aged about 20 yrs, Occ- Student, Respondent Nos. 3 to 9 are R/o H.No. 1-34, Madinaguda, Serilingampally, RR District
10. The Sub Registrar, Having office at Moosapet, Ranga Reddy
11. The District Registrar, Having office at Moosapet, Rana Reddy

...Respondents/Defendants

**IA NO: 2 OF 2025**

Petition under Section 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 order thereby restraining the respondents, their men, agents, GPAs, S.P.A.s and persons claiming through and under them from alienating, disposing off or creating third party rights in respect of the petition schedule properties 'A' to 'E', in any manner whatsoever, pending disposal of the suit.

PETITION SCHEDULE 'A' PROPERTY

All that agricultural land admeasuring 17 Guntas, in Sy. No. 63, situated at Madinaguda Village, Serilingampalh Mandal, RR District, bounded by-

North-Land under Sy. No. 67

South-Land under Sy. NO. 63/ a/ 1 AND 63/AA

East-Part of Sy. No. 65 and 66

West-Part of Sy. No. 62.

PETITION SCHEPULE 'B' PROPERTY

All that agricultural land admeasuring 28 guntas, in Sy. No. 67, situated at Madinaguda Village, Serilingampally Mandal, RR District, bounded by-

North-Land under Sy. No. 62

South-Land under Sy. No. 63

East-Part of Sy. No. 63

West-land under Sy. No. 69.

PETITION SCHEDULE 'C' PROPERTY

All that agricultural land admeasuring Ac 1-09 guntas, in Sy. No. 61, situated at Madinaguda Village, Serilingampally Mandal, RR District, bounded by-

North- Manjira Pipe line

South- land belonging to Komariah.

East- Do

West- land under Sy. No. 69



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PETITION SCHEDULE 'D' PROPERTY

All that agricultural land admeasuring 17 guntas, in Sy. No. 63/A, situated at Madinaguda Village, Serilingampally Mandal, RR District, bounded by-

North-Land under Sy. No. 63/A
South-Manjira Pipe line
East-land under Sy. No. 62
West-Part of Sy, No. 63

PETITION SCHEDULE 'E' PROPERTY

All that agricultural land admeasuring 31 guntas, in Sy. No. 121 situated at Madinaguda Village, Serilingampally Mandal, RR District, bounded by-

North-Land under Sy. No. 123
South-Land under Sy. NO. 150
East-land under Sy. No. 121 part
West-land under Sy. No. 124 and 120.

Counsel for the Appellant :SRI MOHD. ADNAN

Counsel for the Respondent No.2 : SRI RAJA GOPALLAVAN TAYI

The Court delivered the following: Judgment

**THE HON'BLE SMT. JUSTICE RENUKA YARA****C.M.A.No.241 of 2025****JUDGMENT:**

This Civil Miscellaneous Appeal is filed by the appellant aggrieved by the order dated 27.02.2025 passed in I.A.No.1642 of 2019 in O.S.No.329 of 2019 on the file of the VI Additional District and Sessions Judge, Ranga Reddy District at Kukatpally, wherein a petition filed under Order 39 Rules 1 and 2 read with Section 151 CPC seeking temporary injunction has been dismissed.

2. Heard Sri Mohd. Adnan, learned counsel for the appellant and Sri Raja Gopallavan Tayi, learned counsel for respondent No.2.

3. Learned counsel for appellant submitted that primary ground for challenging the impugned order is that the learned VI Additional District and Sessions Judge has erroneously marked the documents on behalf of the respondents in 'P series' as well as 'R series' i.e., Exs.P1 to P29 and Exs.R1 to R4. The appellant's documents were not exhibited at all. The merits of the case were



also argued, but the same are not necessary to be discussed at this stage as this Court has not gone into the merits of the matter.

4. Learned counsel for respondent No.2 submitted that the appellant did not request the trial Court to mark his documents as exhibits. The respondents filed a petition to vacate the *ad interim* injunction granted in favour of the appellant and in the said interlocutory application, the documents in 'P series' have been marked on behalf of the respondents and therefore, an error crept in. Learned counsel further submitted that merits of the matter be considered.

5. This Court is of the opinion that the order passed by the trial Court referring to the documents of the respondents as those of the appellant is a glaring error and the same can neither be supported nor ignored to proceed to consider the merits of the case. After the documents of both the parties are exhibited, the merits of the respective cases can be considered. In the circumstances, as requested by the appellant, the matter needs to be remanded for fresh disposal.

6. In view of the foregoing discussion and without expressing any opinion on the merits of the case, the Civil Miscellaneous



Appeal is allowed and the impugned order dated 27.02.2025 passed in I.A.No.1642 of 2019 in O.S.No.329 of 2019 is set aside. The learned VI Additional District and Sessions Judge, Ranga Reddy at Kukatpally, is directed to dispose of I.A.No.1642 of 2019 afresh by marking the documents of both the parties, within a period of three months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/- A.V.S.S.C.S.M.SARMA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VI Additional District and Sessions Judge, RR District at Kukatpally(With records, if any)
2. One CC to SRI MOHD. ADNAN, Advocate [OPUC]
3. One CC to SRI RAJA GOPALLAVAN TAYI, Advocate [OPUC]
4. Two CD Copies

ADK/PSL



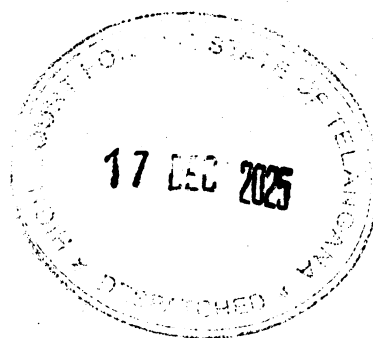
2025:TSHC:46955

HIGH COURT

DATED:12/11/2025

JUDGMENT

CMA.No.241 of 2025



**ALLOWING THE CMA
WITHOUT COSTS**

6
Asst
5/12/25