

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
TUESDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

**:PRESENT:
THE HONOURABLE SRI JUSTICE N. TUKARAMJI**

**IA No. 1 OF 2024
IN
SA NO: 403 OF 2024**

Between:

Musti Laxmaiah, S/o Balaiah, age 65 years, Occ.Agril, R/o Rarnanthapur village, Kothakota mandal, Wanaparthy District, Telangana.

**...Appellant/Respondent No.6/Defendant No.6
(Petitioner in SA 403 OF 2024
on the file of High Court)**

AND

1. M. Venkateshwaramma, W/o Rajashekar, age 30 years, Occ.Agril and Household, R/o Ramanthapuram village, Kothakota mandal. Wanaparthy District, Telangana.
2. Raja Laxmi, D/o Bheemaiah, age 21 years, Occ. Student.
3. Pavani, D/o Bheemaiah, age 20 years,
4. Shiva Prasad, S/o Bheemaiah age 19 yrs, Respondent Nos.2 to 4 are R/o Ramanthapur village of Kothakota mandal. Wanaparthy District, Telangana.

Respondents/Appellants/Plaintiffs

5. Ramulamma, W/o Buchanna, age 52 years, Occ. Agril.
6. Padma, W/o Tirupathaiah, age 28 years, Occ. Agril, Both R/o Sankireddypally village, Kothakota mandal, Wanaparthy District, Telangana.
7. M.Laxmi, W/o Muthyala Narender, age 24 years, R/o Arepally village of Atmakur mandal.
8. Mahesh, S/o Buchanna, age 20 years, Occ. Agril, Ramanthapur village. Wanaparthy District, Telangana.
9. L.Srinivas Reddy, S/o Pedda Kondanna, age 30 years. Occ. Agril, R/o Ramanthapur village, Kothakota mandal, Wanaparthy District, Telangana.

...Respondents/Respondent Nos. 1 to 5/ Defendant Nos. 1 to 5

Petition under Section 151 CPC praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the Judgment and Decree dated 30.04.2024 passed in A S.No.11 of 2016 on the file of Principal District Judge, Wanaparthy, Pending disposal of SA No. 403 of 2024, on the file of the High Court.

are directed to show cause on or before 18.02.2025 to which date the case stands posted as to why in the circumstances set out in the petition/appeal and the memorandum of grounds filed therewith (copy enclosed) this SECOND APPEAL should not be admitted.

The Appeal coming on for hearing, upon perusing the appeal and the grounds filed in support thereof and the order of the high court dated 19.09.2024 and upon hearing the arguments of SRI KONDAPARTHY KIRAN KUMAR Counsel for the Petitioner, The Court made the following:

ORDER:

Sri V.Hanumanth Rao, learned counsel for the appellant brought to the notice of this Court that the another second appeal vide SA No.348 of 2024 filed by the other defendant has been admitted on 22.08.2024 and the present appeal is also on the similar grounds.

Having regard to this fact, this appeal is also admitted on the selfsame substantial questions of law:

1. Whether the impugned judgment, without considering the absence of proves of ancestry in nature of suit properties and allowing the appeal in a suit for partition is justified?
2. Whether the Appellate Court properly appreciated the evidence on record or not?
3. Whether the judgment and decree of Appellate Court is perverse, contrary to the evidence?
4. Whether the Appellate Court is justified in allowing the appeal and decreeing the suit.

Issue notice to the respondents through Court. In addition, personal service is permitted to serve notice on respondents by way of RPAD and file proof of service in the office.

The office is directed to call for the records from the trial Court concerned.

List this matter on 18.02.2025 under the caption for "final hearing".

Till such time, interim order granted earlier shall stand extended

**SD/-V.HARI PRASAD
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal District Judge, Wanaparthy
2. The Senior Civil Judge, Wanaparthy
3. M. Venkateshwaramma, W/o Rajashekar, age 30 years, Occ.Agril and Household, R/o Ramanthapuram village, Kothakota mandal. Wanaparthy District, Telangana.
4. Raja Laxmi, D/o Bheemaiah, age 21 years, Occ. Student.
5. Pavani, D/o Bheemaiah, age 20 years,
6. Shiva Prasad, S/o Bheemaiah age 19 yrs, Respondent Nos.2 to 4 are R/o Ramanthapur village of Kothakota mandal. Wanaparthy District, Telangana.
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10. Mahesh, S/o Buchanna, age 20 years, Occ. Agril, Ramanthapur village. Wanaparthy District, Telangana.
11. L.Srinivas Reddy, S/o Pedda Kondanna, age 30 years. Occ. Agril, R/o Ramanthapur village, Kothakota mandal, Wanaparthy District, Telangana.
(3 To 11 By Rpad Along With Copy Of Appeal And Affidavit)
12. One CC to SRI. KONDAPARTHY KIRAN KUMAR, Advocate [OPUC]
13. One spare copy

HIGH COURT

NTR, J

DATED:10.12.2024

**NOTE: LIST THIS MATTER ON 18.02.2025 UNDER THE
CAPTION FOR "FINAL HEARING**

ORDER

**IA No. 1 OF 2024
IN
SA NO: 403 OF 2024**

EXTENSION OF STAY

