

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL
CRP NO: 1906 OF 2026

Between

1. Renukuntla Chandariah, S/o.Madanaiah,
2. R. Sambaiah, S/o.Madanaiah,
3. R.Komuraiah, S/o.Madanaiah,
4. R.Ravi, S/o.Madanaiah,

..... Respondents/ PETITIONERS 1 to 4

AND

1. Burra Bondaiah, S/o. Gouraiah, aged about. 47 years, Occ. Govt. employee, R/o. Bhupalpally Village and Mandal, Warangal District.
2. Nagavelli Rajalinga Murthy (Died per LRs), S/o.Rajamogili,
3. Magoori Rajeshwar, S/o. Venkaiah, Age.53 years, Occu. Business, C/o.Annapurna Hardware Shop, R/o.Police Station Road, Beside Andhra Bank, Bhupalpally Village and Mandal, Warangal District.
4. Mohammad Habib, S/o.Dasthagir, Age.28 years, Occu.Business, R/o.Main Road, srio Ambedkar Centre, Bhupalpally Village and Mandal, Warangal District.
5. Mohammad Mujeeb, S/o. Dasthagir, Age.26 years, Occu.Business, R/o.Main Road, Ambedkar Centre, Bhupalpally Village and Mandal, Warangal District.
6. Mohammad Abdul Sattar, S/o. Dasthagiri, Age. 23 years, Occu.Business, R/o.Main Road, Ambedkar Centre, Bhupalpally Village and Mandal, Warangal District.
7. Nagavelli Sarala, W/o.late Rajalinga Murthy, Age.48 years, Occu.Housewife,
8. Nagavelli Nithyasri, D/o.late Rajalinga Murthy, Age. 23 years, Occu.Student,
9. Nagavelli Saicharan, S/o.late Rajalinga Murthy, Age. 22 years, Occu.Student, Respondents.No. 7 to 9 are R/o.H.No.7-162, Reddy Colony, Bhupalpally Village and Mandal, Jayashankar Bhupalpally District.

.....RESPONDENTS

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the impugned Order dated 07-04-2026 passed in E.A.No. 31 of 2025 in E.P. No.

7 of 2023 (old E.P. No. 117 of 2013), on the file of Senior Civil Judge Jayashankar Bhupalpally by allowing the above CRP.

I.A. NO: 1 OF 2026

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the impugned order dated. 07/04/2026 passed in E.A.No. 31 of 2025 in E.P No. 7 of 2023 (old E.P. No. 117 of 2013) passed by the Senior Civil Judge Jayashankar Bhupalpally, pending disposal of CRP No 1906 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and the grounds filed in support thereof and the order of the High Court dated 07.07.2026 made herein and upon hearing the arguments of Sri M.Durga Prasad, Advocate for the Petitioners and Sri P.Prabhakar Reddy, Advocate for the Respondent No.1, the Court made the following.

ORDER:

Mr.M.Durga Prasad, learned counsel for the petitioners, would submit that the present Civil Revision Petition is filed challenging the order dated 07.04.2026 in E.A.No.31 of 2025 in E.P.No.7 of 2023 (old E.P.No.117 of 2013) passed by the learned Senior Civil Judge, Jayashankar Bhupalpally.

It is further submitted that initially E.P.No.117 of 2013 was filed before the learned II Additional Senior Civil Judge, Warangal, for execution of Decree and Judgment, dated 20.01.2005 in O.S.No.275 of 2004. Due to bifurcation of judicial districts, E.P.No.117 of 2013 was transferred to the file of the learned Senior Civil Judge, Jayashankar Bhupalpally, and re-numbered as E.P.No.7 of 2023.

It is further submitted that in the said E.P., E.A.31 of 2025 was filed seeking to restore the physical possession of four shutters bearing Nos.6-84/10 to 6-84/13 constructed in the schedule property by respondent No.1/deGREE holder in his favour by evicting the petitioners herein and respondent Nos.2 to 9. *Vide* order dated 07.04.2026, learned Executing Court allowed the said application.

It is further submitted that O.S.No.275 of 2004 is filed for permanent injunction restraining the defendants therein, their agents, supporters etc., from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property. Judgment and Decree dated 20.01.2005 in O.S.No.275 of 2004

was an *ex parte* judgment. However, no appeal has been filed challenging the said *ex parte* Judgment dated 20.01.2005.

It is further submitted that respondent No.1 has filed a suit in O.S.No.503 of 2006 seeking to declare the document bearing Nos.688, 685, 686 and 683 of 2006, dated 30.05.2006 as null and void. The said suit was dismissed on 05.10.2018. No appeal has been filed against the said decree and judgment.

Learned counsel for the petitioners further submits that material papers in I.A.No.2 of 2026 were not served on them.

The contention of the petitioners is that the learned Executing Court erred in invoking order XXI Rule 32 of CPC read with Section 144 of C.P.C for restoration of possession and that the impugned order is contrary to settled principles that an Executing Court cannot travel beyond the decree and cannot grant relief inconsistent with or larger than the decree sought to be executed.

In the light of the same, matter requires detailed examination, after filing of the detailed counter by the learned counsel for the respondents.

List on 11.08.2026.

In the meanwhile, learned counsel for the respondents shall serve papers in I.A.No.2 of 2026 on the learned counsel for the petitioners.

Till then, interim order granted earlier shall stand extended.

SD/- A. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Senior Civil Judge Jayashankar Bhupalpally.
2. One CC to Sri. M DURGA PRASAD, Advocate [OPUC]
3. One CC to Sri P. Prabhakar Reddy, Advocate [OPUC]
4. One spare copy

HIGH COURT

EVV, J

DATED: 14-07-2026

LIST ON 11-08-2026.

ORDER

CRP.No.1906 of 2026

EXTENSION OF INTERIM ORDER

