

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF OCTOBER

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE DR. JUSTICE G.RADHA RANI

IA No. 2 OF 2024

IN

CMA NO: 506 OF 2024

Between:

1. Monditoka Bhagavathi Lavaniyeswara Sreedhar, S/o M.Chennappa
2. Tholikonda Rama Laxmamma, W/o. Late Vengaiah

...Petitioners/Appellants

(Appellants in CMA 506 OF 2024
on the file of High Court)

AND

1. H.S. Siddappa (Died Per LRs.),
2. H.Nirmala Bai, W/o late Siddappa, Occ. Housewife, R/o H.No.B31, F12 MIGH II, Bagh Lingampally, Hyderabad-500044.
3. H. Srinivas, S/o late H.G. Siddappa, Occ. Software Engineer, R/o.H.No.B31, F12 MIGH II, Bagh Lingampally, Hyderabad-500044. (presently residing at 9524, Cliffside DR Irving TX 75063, USA)
4. H. Shiva Kumar S/o late H.G. Siddappa, Occ. Software Engineer, R/o.H.No.B31, F12 MIGH II, Bagh Lingampally, Hyderabad-500044 (presently residing at 9524, Cliffside DR Irving TX 75063, USA)
5. J.Chandra Reddy, S/o J. Sanga Reddy, Occ. Agriculture, R/o Pothi Reddypally Village, Sanga Reddy Mandal, Medak District, (Now Sangareddy District)
6. J. Bhujang Reddy, S/o J. Sanga Reddy, (Died Per LRS 11 to 14)
7. J. Narayana Reddy, S/o J. Sanga Reddy, Occ. Agriculture, R/o Pothi Reddypally Village, Sanga Reddy Mandal, Medak District (Now Sangareddy District)

8. J. Gopal Reddy, S/o J. Sanga Reddy, Occ. Agriculture, R/o Pothi Reddypally Village, Sanga Reddy Mandal, Medak District (Now Sangareddy District)
9. Smt. Medagam Umadevi, W/o M. Veera Reddy, Occ. Housewife, R/o. Raithunagar, Fasalwaadivillage, Sangareddy Mandal, Medak District, Presently residing at H.No. MIG 11104, New House Board, Nizamabad.
10. Maram Adinarayana Reddy S/o Nagi Reddy, Occ. Agriculturist, R/o. Fasalawadi Village, Sanga Reddy Mandal, Medak District. (Now Sangareddy District)
11. N. Venkata Ramana Reddy, S/o Veera Reddy, Occ. Agriculturist, R/o. Fasalawadi Village, Sanga Reddy Mandal, Medak District. (Now Sangareddy District)
12. Bharathamma W/o. late Bhujang Reddy, Occ. Housewife, R/o. 1-68/3, Plot No.53, Pothreddypalli Village, Sangareddy Mandal, Medak District.
13. Bhagyamma, W/o. Raj Reddy, occ. Housewife, R/o. D.No.1-68/3, Plot No.53, Pothreddypalli Village, Sangareddy Mandal, Medak District. (Now Sangareddy District)
14. Vanaja W/o. Shankar Reddy, Occ. Housewife, R/o. Malkapur Village, Sangareddy Mandal, Medak District. (Now Sangareddy District)
15. Kalpana, W/o. Shekar Reddy, Occ. Housewife, R/o. Velvarti Village, Shankarpalli Mandal, Ranga Reddy District.

(Respondents 5 to 15 are not necessary parties in this appeal)

...Respondents
(Respondents in-do-)

Counsel for the Petitioners : SRI K ARAVIND GOUD

Counsel for the Respondents : ---

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 suspend the judgment and decree dated 26-03-2024 in A.S.No.16/2019 on the file of the III Addl. District and Sessions Judge, Sangareddy, arising out of judgment and decree dated 03-04-2019 in O.S.No.170 of 2013 on the file of the Senior Civil Judge at Sangareddy insofar as

it remanded the O.S.No.170/2013 to the trial court for disposal, pending disposal of CMA No. 506 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

This application is filed by the petitioners-appellants to suspend the operation of the judgment and decree dated 26.03.2024 in A.S. No.16 of 2019 on the file of III Additional District & Sessions Judge, Sangareddy, arising out of judgment and decree dated 03.04.2019 in O.S .No.170 of 2013 on the file of the Senior Civil Judge at Sangareddy.

Heard the learned counsel for the petitioners-appellants.

Learned counsel for the petitioners submitted that the first appellate court remanded the matter to the trial court on the wrong premise that the trial court had not considered certain material, which infact the trial court had already considered in the suit filed by the respondents for declaration of title and consequential perpetual injunction. The said suit was filed in the year 2013. After detailed trial, the trial court passed the judgment and decree dated 03.04.2019 dismissing the suit, against which the lower appellate court remanded the matter by order dated 26.03.2024 in AS No.16 of 2019. If the trial was permitted to go on with the proceedings, the petitioners would be put to irreparable loss and damage and hence, prayed to suspend the judgment and decree dated 26.03.2024 in AS No.16 of 2019 on the file of III Additional District & Sessions Judge, Sangareddy.

Considering the submissions of the learned counsel for the petitioners, it is considered fit to suspend the operation of the impugned judgment and decree.

Accordingly, there shall be interim suspension of the judgment and decree dated 26.03.2024 in A.S. No.16 of 2019 on the file of III Additional District & Sessions Judge, Sangareddy, till 20.11.2024.

Issue notice to the respondents.

Learned counsel for the petitioners is permitted to take out personal notice on the respondents by RPAD and file proof of service of notice.

Post the matter on 20.11.2024.

SD/-N.SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional District & Sessions Judge, Sangareddy
2. The Senior Civil Judge at Sangareddy ✓
3. H.Nirmala Bai, W/o late Siddappa, Occ. Housewife, R/o H.No.B31, F12 MIGH II, Bagh Lingampally, Hyderabad-500044. ✓
4. H. Srinivas, S/o late H.G. Siddappa, Occ. Software Engineer, R/o.H.No.B31, F12 MIGH II, Bagh Lingampally, Hyderabad-500044. (presently residing at 9524, Cliffside DR Irving TX 75063, USA)
5. H. Shiva Kumar S/o late H.G. Siddappa, Occ. Software Engineer, R/o.H.No.B31, F12 MIGH II, Bagh Lingampally, Hyderabad-500044 (presently residing at 9524, Cliffside DR Irving TX 75063, USA) (3 to 5 By RPAD) ✓
6. One CC to SRI K ARAVIND GOUD Advocate [OPUC]
7. One spare copy ✓

HIGH COURT

DR.GRR,J

DATED:14/10/2024

ORDER

**IA NO.2 OF 2024
IN
CMA.No.506 of 2024**

INTERIM SUSPENSION

