

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: S.A. No. 409 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
01.	11.09.2025	<u>RY, J</u> <u>S.A. No. 409 of 2025</u> Heard learned counsel for the appellant. The present second appeal is arising from the decree and judgment dated 22.02.2018 passed in O.S. No. 67 of 2005 by the learned Additional Senior Civil Judge, Karimnagar and its confirmation by the learned Judge, Family Court-cum-IV Additional District and Sessions Judge at Karimnagar, in A.S. No. 96 of 2018 <i>vide</i> judgment and decree dated 07.03.2025. The original suit was filed seeking relief of declaration of title and seeking injunction in the said suit. Initially, the suit schedule property was claimed to be 1239 sq.yards., for which declaration of title and perpetual injunction was sought. After filing of the suit in the year 2005, in the year 2017 the plaintiff Nos.3 and 4 were impleaded on the premises that they have purchased 242 sq.yards., each from the plaintiffs prior to the filing of the suit. In addition, four (04) bits of land were also sold to third parties during the pendency of the suit as per admission made by PW.1 during his cross examination. Consequently, the case of the appellant herein is that as on the date of decreeing the suit, plaintiff Nos.1 and 2 were in possession of Ac.0-02 guntas of land and therefore, there is a grave error committed by	

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both the trial Court and the First Appellate Court in decreeing the entire suit for 1239 sq.yards.

Under these circumstances, the following substantial questions of law are sought to be canvassed before this Court:

- (a) Whether the trial Court and the First Appellate Court were justified in upholding claim of plaintiff Nos.1 and 2 for declaration of title and consequential injunction with respect to suit schedule property for 1239 sq.yards when the plaintiffs were left with only Ac.0-02 guntas of land by the time of trial of the suit?*
- (b) Whether the trial Court and the First Appellate Court are justified in impleading plaintiff Nos.3 and 4 in the year 2017 when there was no cause of action against them which allegedly arose prior to the year 2005?*
- (c) Whether the view taken by the First Appellate Court that the orders passed in I.As., pending the suit cannot be questioned in the First Appeal under Section 105 of the Code of Civil Procedure, 1908, as no Civil Revision Petitions were filed immediately after passing of the orders in the I.As?*

Admit.

Notice.

Call for the records.

List on 18.09.2025.

I.A. No.1 of 2025

This application is filed seeking to grant stay of operation of the judgment and decree dated 07.03.2025 passed in A.S. No. 96 of 2018 by the learned Judge, Family Court-cum-IV Additional

		District and Sessions Judge, Karimnagar. Heard learned counsel for the petitioner/appellant. For the reasons stated in the accompanying affidavit, there shall be interim stay of operation of the judgment and decree dated 07.03.2025 in A.S. No. 96 of 2018 on the file of learned Judge, Family Court-cum-IV Additional District and Sessions Judge, Karimnagar, till 18.09.2025. RY,J gms/ggd	
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