

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE FIRST DAY OF OCTOBER

TWO THOUSAND AND TWENTY FOUR

:PRESENT:**THE HONOURABLE SRI JUSTICE P.SAM KOSHY****AND****THE HONOURABLE SRI JUSTICE N.TUKARAMJI****CMA NO: 484 OF 2024****Between:**

Myadam Kartekeya, S/o.Late Myadam Raghuveer

Appellant/Petitioner**AND**

1. M K Rao Foundation, 104, 4th Floor, Surya Towers, S.P Road, Secunderabad - 500003. Represented by its Trustees
2. Myadam Sugandha Bai, W/o. Late Myadam Kishan Rao, Occ. Business, R/o. H. No. 10-2-376, Block-F, Plot No. 278, Street No. 3, Near Nehru Nagar Park, West Marredpally, Secunderabad, Telangana - 500026
3. Myadam Shirisha, D/o. Late Myadam Raghuveer, Occ. Business, H.No.10-2-376, Block-F, Plot No. 278, Street No. 3, Near Nehru Nagar Park, West Marredpally, Secunderabad - 500026
4. Myadam Subramanyam, S/o. Late Myadam Kishan Rao, Occ. Business, H.No. 8-2-293/82/A/321/A11, Road No. 25, Jubilee Hills, Hyderabad - 500033
5. M/s. Trishla Infratech, Represented by its Partner, Motilal Jain Having office at, 10-2-172, Plot No. 25, Street No. 6, West Maredpally, Secunderabad - 500026.
6. Greater Hyderabad Municipal Corporation, Represented by its Commissioner CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad - 500 063.
7. Smt. Shobha Rani, W/o. Sri. Motilal Jain, Occ. Business, R/o. H.No. 6-1-322/A17, Old CIB Quarters, Khairatabad, Hyderabad - 500004

8. Smt. Meena Devi, W/o. Sri. P. Gutamchand Jain, Occ. House Wife,
R/o.H.No. 10-2-172, West Marredpally, Road No. 1, Near Secunderabad
Nursing Home, Secunderabad - 500026.
9. Sub Registrar Marredpally, Plot No. 5, Sy No. 93/3 Panchavati Colony,
Marredpally Village, Tadbund, Secunderabad -500026.
- 10.M/s. Revathi Tobacco Company Private Limited, Having its registered
office at Door No. 3-6, Saroor Nagar, Hyderabad - 500035 Represented by
its Director
- 11.IDBI Bank, Basheerbagh Branch, Mahavir House, Basheerbagh Square,
Hyderabad - 500029. Represented by its Manager
- 12.Indian Overseas Bank, Basheerbagh Branch, 3-5-822/5, Hyderguda,
Basheerbagh, Hyderabad - 500029. Represented by its Manager
- 13.Smt. Anuradha Vippala, W/o V. Rajeswar Rao, Occ - Business, R/o - 4-65,
Gandiguda, Greencity Paradise, Ghasimiguda, Rangareddy District-501218.
- 14.Smt. Kajjam Sridevi, W/o K. Venkata Subramanyam, Occ - Business,
R/o.H. No. 10-2-318 and 317/02, Srigiri Apartments, Road No. 7, West
Marredpally, Secunderabad - 500 026.
- 15.Smt. Ananda Logishetty, W/o - Rajanikanth Logishetty, Occ - Business,
R/o - H. No. 1-8-215/19, P.G Road, Lalbahadur Nagar, Secunderabad -
500 003.
- 16.Myadam Tuljabhavani, D/o - Late Myadam Kishan Rao, Occ - Business,
R/o - H. No. 10-2-376, Block F, Plot No. 278, Street No. 3, West
Marredpally, Secunderabad - 500 026.

Respondents

- 17.Myadam Anitha, W/o. Late Myadam Raghuveer, Occ. Business,
R/o.H.No.8-2-545, Flat No. B 102, First Floor, B-Block, Road No. 7,
Banjara Hills, Hyderabad-500034, Telangana

Respondent/Petitioner No.2

Petition under Order 43 Rule 1 of C.P.C., praying that in the circumstances stated in the grounds filed in the Civil Miscellaneous Appeal, the High Court may be pleased to allow the present Civil Miscellaneous Appeal by setting aside the Impugned Order dated 01/07/2024 passed in I.A No. 376 of 2021 in O.S No.33 of 2021 passed by the Court of the XXVII Additional Chief Judge, City Civil Courts at Secunderabad and consequently grant an injunction against the

Respondent No. 1 and Respondent No. 5 including their representatives, agents, partners, engineers, labour or any person claiming through or under them from alienating, selling or creating third party rights in respect of the parcel of land admeasuring an extent of 6593 Sq. meters bearing premises No. 10-2-262/263, situated at West Marredpally, Secunderabad.

IA NO: 2 OF 2024

Petition under Order 39 Rule 1 and 2 r/w 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 grant an injunction against the Respondent No.1 and Respondent No.5 including their representatives, agents, partners, engineers, labour or any person claiming through or under them from alienating, selling or creating third party rights in respect of the Petition Schedule Property

PETITION SCHEDULE PROPERTY

All that peace and parcel of land admeasuring an extent of 6593 Sq. meters bearing premises No.10-2-262/263, situated at West Marredpally, Secunderabad, bounded as:

North : Neighbours Land
South : Marredpally Road
West : Neighbours Land
East : Neighbours Land,

Pending disposal of CMA No.484 of 2024, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri K Venkatesh representing Sri Rusheek Reddy K V Advocate for the Appellant Sri Vishnu Chnadana representing Sri N Chandra Shekar, Advocate for the Respondent No.1, Sri T.Natraj, Advocate for Respondent No.2, Ms. Prasimita Saihia representing, Mr. Manajari S.Gani, Advocate for Respondent No.3, the Court made the following.

ORDER

The challenge in this appeal is to the order dated 01.07.2024 passed by XXVII Additional Chief Judge, City Civil Court, Secunderabad, in I.A.No.376 of 2021 in O.S.No.33 of 2021. By the said impugned order, the learned trial Court has dismissed the petition filed under Order XXXIX Rules 1 & 2 read with Section 151 of C.P.C.

The learned counsel appearing for respondent No.2 submits that he has entered appearance on caveat and he has received copy of the appeal last night and prayed for short adjournment judgment for filing counter affidavit.

Similar prayer is also prayed by learned counsel for respondent Nos.1 and 3.

Learned Senior Counsel appearing for the appellants contended that in the suit that was filed in 2021 along with an injunction petition which now stands decided on 01.07.2024, substantial development has transpired in between, as much as, a major portion of construction has already been undertaken and he now restricts his prayer for interim relief to the extent of no further alienation to be done in respect of suit schedule property by respondent No.1, as also by respondent No.5.

Learned counsel appearing for respondent No.2 submits that he undertakes on behalf of respondent No.2, as also on behalf of respondent No.1 as well, that so far as respondent No.1 Trust is concerned, they shall not make any further alienation of the trust property from today onwards till the next date of hearing.

In view of the said undertaking given by learned counsel appearing for respondent No.2, let the matter be taken up for hearing on 29.10.2024.

Meanwhile, in the light of the undertaking given by respondent Nos.1 and 2 of they not alienating any further property belonging to the Trust till the next date of hearing, respondent No.5, the Developer of the

said property, is also restrained from making any third party right in the suit schedule property till the next date of hearing i.e., 29.10.2024.

//TRUE COPY//

Sd/-MOHD. ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XXVII Additional Chief Judge, City Civil Courts at Secunderabad
2. The Trustees, M K Rao Foundation, 104, 4th Floor, Surya Towers, S.P Road, Secunderabad - 500003.
3. Myadam Sugandha Bai, W/o. Late Myadam Kishan Rao, Occ. Business, R/o. H. No. 10-2-376, Block-F, Plot No. 278, Street No. 3, Near Nehru Nagar Park, West Marredpally, Secunderabad, Telangana - 500026
4. Myadam Shirisha, D/o. Late Myadam Raghuveer, Occ. Business, H.No.10-2-376, Block-F, Plot No. 278, Street No. 3, Near Nehru Nagar Park, West Marredpally, Secunderabad - 500026
5. Myadam Subramanyam, S/o. Late Myadam Kishan Rao, Occ. Business, H.No. 8-2-293/82/A/321/A11, Road No. 25, Jubilee Hills, Hyderabad - 500033
6. Motilal Jain, Partner, M/s. Trishla Infratech, Having office at, 10-2-172, Plot No. 25, Street No. 6, West Maredpally, Secunderabad - 500026.
7. The Commissioner, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad - 500 063.
8. Smt. Shobha Rani, W/o. Sri. Motilal Jain, Occ. Business, R/o. H.No. 6-1-322/A17, Old CIB Quarters, Khairatabad, Hyderabad - 500004
9. Smt. Meena Devi, W/o. Sri. P. Gutamchand Jain, Occ. House Wife, R/o.H.No. 10-2-172, West Marredpally, Road No. 1, Near Secunderabad Nursing Home, Secunderabad - 500026.
10. The Sub Registrar Marredpally, Plot No. 5, Sy No. 93/3 Panchavati Colony, Marredpally Village, Tadbund, Secunderabad -500026.
11. The Director, M/s. Revathi Tobacco Company Private Limited, Having its registered office at Door No. 3-6, Saroor Nagar, Hyderabad - 500035

- 12.The Manager, IDBI Bank, Basheerbagh Branch, Mahavir House,
Basheerbagh Square, Hyderabad - 500029.
- 13.The Manager, Indian Overseas Bank, Basheerbagh Branch, 3-5-822/5,
Hyderguda, Basheerbagh, Hyderabad - 500029
- 14.Smt. Anuradha Vippala, W/o V. Rajeswar Rao, Occ - Business, R/o - 4-65,
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- 15.Smt. Kajjam Sridevi, W/o K. Venkata Subramanyam, Occ - Business,
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- 18.Myadam Anitha, W/o. Late Myadam Raghuveer, Occ. Business,
R/o.H.No.8-2-545, Flat No. B 102, First Floor, B-Block, Road No. 7,
Banjara Hills, Hyderabad-500034, Telangana (1 to 18 by RPAD)
- 19.One CC to SRI RUSHEEK REDDY K V Advocate [OPUC]
- 20.Two spare copies

HIGH COURT

**PSK,J
&
NTR,J**

DATED:01/10/2024

ORDER

CMA.No.484 of 2024

DIRECTION

