

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR**

CIVIL MISCELLANEOUS APPEAL NOS. 373, 387 & 389 OF 2025

CIVIL MISCELLANEOUS APPEAL NO: 373 OF 2025

Appeal Under Order 43 Rule 1 of CPC aggrieved by and against the Order and Decree dated 02-07-2025 made in I.A. No. 1119 of 2023 in O.S. No. 158 of 2023 on the file of the Court of the VI Additional District and Sessions Judge, Ranga Reddy District at Kukatpally.

Between:

1. Venkat Rama Naidu Kola, S/o Late Chinnabba Naidu Kola, Aged about 58 Years, Occ . Business, R/o No. 13, 4th Cross, 1st Main Road, RMV 2nd Stage Dollars Colony - 560 094, Bangalore North, Karnataka State.
2. Smt. Ambika A, W/o Likanadha Niadu, D/o Late Chinnabba Naidu Kola, Aged about 54 Years, Occ . Housewife, R/o No. 252, Ground Floor, Raghavendra Temple, VB Bakery, Ittamadu Banashankari, 3rd Stage, VTC Bangalore South, PO Banashankari III Stage, Bangalore - 560 085.
3. Ramakrishna Kola, S/o Late Chinnabba Naidu Kola, Aged about 49 Years, Occupation . Business, R/o H. No. 37, Naidu Layout, 1st Stage, Kuvempu Nagar, Bangalore North - 560 014.
4. Smt. Krishnaveni, D/o Late Chinnabba Naidu Kola, Aged about 45 Years, Occupation . Housewife, R/o H. No. 4 and 5, Prakruthi Gangamma Gudi Extension, JB Kaval, Bangalore North - 560 013.

...Appellant/Petitioners/plaintiffs

AND

1. Kamatam Venkatesham, (DIED), S/o Mallesham, .(Died) Per L.Rs. Respondent No. 2 and Respondents 11 to 15 herein)
2. Smt. Kamatam Sarada, W/o Kamatam Venkatesham, Aged about 62 Years, Occupation . Household, R/o H. No. 3-1-535 (Old) 3-01-814 (New), C.V.R.N. Road, Karimnagar - 505 001, T.S.
3. Smt. Suryadevara Shantha, W/o Radhakrishna Murthy, (Died) per LR's at respondents 16 and 17.

4. A.B. Madhusudhan Reddy, S/o Late A. Bali Reddy, Aged about 61 Years, Occupation . Business, R/O H. No. 58/790, Near Ramalayam, Nandyal - 518 501, Nandyal District, A.P.
5. A. Sreedhar Reddy, S/o Late A. Bali Reddy, Aged about 55 Years, occupation . Business, R/o MIG - 2-64, Housing Board Colony, Nandyal - 518 501, Nandyal District, A.P.
6. Mir Majaz Ali, S/o Mir Muntaz Ali, Aged abpit 59 Years Occupation . Business, R/o H. No. 9-20-1255/1, Auto Nagar, Nizamabad - 503 001, Telangana State.
7. Syed Taufiq, S/o Syed Abdul Qayyum, Aged about 45 Years, Occupation . Business, R/o H. No. 9-11-22, Ahmedpura Colony, Nizamabad - 503 001, Telangana State.
8. Smt. Mohammed Iftakar Hussain, W/o Late Mohammed Asghar Hussain, Aged about 68 Years, Occupation . Business, R/o H. No. 12-2-790/20, Ayodhya Nagar Colony, Asif Nagar, Hyderabad - 500 008, T.S.
9. Syed Najib Ali, S/o Syed Yaqoob Ali, Aged about 52 Years, Occupation . Business, R/o H. No. 9-12-182, Ahmedpura Colony, Nizamabad - 503 001, Telangana State.
10. M.A. Mateen, S/o M.A. Samad, Aged about 44 Years, Occupation . Business, R/o H. No. 9-13-197, Mohammadia Colony, Nizamabad - 503 001, Telangana State.

...Respondents/Respondents/Defendants

11. Smt. Rama Karuna Sree, W/o Rama Kiran - Kumar, and D/o Late Kamatam Venkatesham, Aged Major, Occupation . Household, R/o H. No. 3-1-535 (Old) 3-01-814 (New), C.V.R.N. Road, Karimnagar - 505 001, T.S.
12. Smt. Udaya Sri Mittapalli, W/o Mittapalli Shashi - Kiran, and D/o Late Kamatam Venkatesham, Aged Major, Occupation . Household, R/o H. No. 3-1-535 (Old) 3-01-814 (New), C.V.R.N. Road, Karimnagar - 505 001, T.S.
13. Smt. Kamatam Sushmitha, W/o Late K. Anil Kumar, Aged Major, Occupation . Household, R/o H. No. 3-1-535 (Old) 3-01-814 (New), C.V.R.N. Road, Karimnagar - 505 001, T.S.
14. Sri Kamatham Preetham, S/o Late K. Anil-Kumar, Aged . Minor, Occupation . Student, R/o H. No. 3-1-535 (Old) 3-01-814 (New), C.V.R.N. Road, Karimnagar - 505 001, T.S. being minor represented by his mother and natural guardian Smt. Kamatam Sushmitha.
15. Kum. Kamatham Sheethal, D/o Late K. Anil-Kumar, Aged . Minor, Occupation . Student, R/o H. No. 3-1-535 (Old) 3-01-814 (New), C.V.R.N. Road, Karimnagar - 505 001, T.S. being minor represented by his mother and natural guardian Smt. Kamatam Sushmitha.
16. Smt. Suryadevara Sridevi, C/o S. Radha Krishna - Murthy, Aged about 50 Years, Occ . Household, R/o 17-7-5 7th Floor, Tower - 17, Shiram Sameeksha Apartment, Kuvempunagar, 1st Stage, VTC . Bangalore North, PO . Jalahalli East, Sub District - Bangalore North, Bangalore District Karnataka - 560 014.
17. Ms. Suryadevara Shanthi, C/o S. Radha Krishna - Murthy, Aged about 49 Years, Occ . Household, R/o 17-7-5, r Floor, Tower - 17, Shiram Sameeksha Apartment, Kuvempunagar, 1st Stage, VTC . Bangalore North, PO . Jalahalli East, Sub District - Bangalore North, Bangalore District Karnataka - 560 014.

IA NO: 2 OF 2025

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in O.S. No. 158 of 2023 pending on the file of the VI Additional District and Sessions Judge, Ranga Reddy District at Kukatpally pending disposal of the main CMA.

IA NO: 3 OF 2025

Petition under order 39 Rules 1 & 2 R/w Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant temporary injunction restraining the respondents, their legal heirs, representatives, successors-in-interest, power of attorneys, workers, henchmen etc., from alienating the petition schedule property to any one in any manner pending disposal of the suit and create charge over the said property pending disposal of the main CMA.

PETITION SCHEDULE OF PROPERTY

All that the land to an extent of Ac. 4-00 Guntas in Survey No. 10, Ac. 6-00 Guntas in Survey No. 11, Ac. 9-16 Guntas in Survey No. 14, Ac. 4-00 Guntas in Survey No. 16 and Ac. 3-00 Guntas in Survey No. 32 in total to an extent of Ac. 26-16 Guntas equivalent to 1,26,614-4 square yards (i.e., 4,840 square yards per Acre X Ac. 26-16 Guntas) situated at Guttala Begumpet Village, Serilingamapally Mandal, Ranga Reddy District and bounded by:

North: Neighbour's Land.

South: Neighbour's Land.

East : Neighbour's Land.

West: Neighbour's Land.

CIVIL MISCELLANEOUS APPEAL NO: 387 OF 2025

Appeal Under Order 43 Rule 1 of CPC aggrieved by and against the Order and Decree dated 02-07-2025 made in I.A. No. 1121 of 2023 in O.S. No. 158 of 2023 on the file of the Court of the VI Additional District and Sessions Judge, Ranga Reddy District at Kukatpally.

Between:

1. Venkat Rama Naidu Kola, S/o Late Chinnabba Naidu Kola, Aged about 58 Years, Occ. Business, R/o No. 13, 4th Cross, 1st Main Road, RMV 2nd Stage Dollars Colony 560 094, Bangalore North, Karnataka State.

2. Smt. Ambika A, W/o Likanadha Niadu, D/o Late Chinnabba Naidu Kola, Aged about 54 Years, Occ . Housewife, R/o No. 252, Ground Floor, Raghavendra Temple, VB Bakery, ILLamadu Banashankari, 3rd Stage, VTC Bangalore South, PO Banashankari III Stage, Banglore - 560 085.
3. Ramakrishna Kola, S/o Late Chinnabba Naidu Kola, Aged about 49 Years, Occupation . Business, R/o H. No. 37, Naidu Layout 1st Stage, Kuvempu Nagar, Bangalore North - 560 014.
4. Smt. Krishnaveni, D/o Late Chinnabba Naidu Kola, Aged about 45 Years, Occupation Housewife, R/o H. No. 4 and 5, Prakrithi Gangamma Gudi Extension, JB Kaval, Bangalore North - 560 013.

...Appellants/Petitioners/Plaintiffs

AND

1. Kamatam Venkatesham, S/o Malleshham, (Died) Per L.F.s. Respondent No. 2 and Respondents 11 to 15 herein)
2. Smt. Kamatam Sarada, W/o Kamatam Venkatesham, Aged about 62 Years, Occupation . Household, R/o H. No. 3-1-535 (Old) 3-01-814 (New), C.V.R.N. Road, Karimnagar - 505 001, T.S.
3. Smt. Suryadevara Shantha, W/o Radhakrishna Murthy, (Died) per LR's at respondents 16 and 17.
4. A.B. Madhusudhan Reddy, S/o Late A. Bali Reddy, Aged about 61 Years, Occupation . Business, R/O H. No. 58/790, Near Ramalayam, Nandyal - 518 501, Nandyal District, A.P.
5. A. Sreedhar Reddy, S/o Late A. Bali Reddy, Aged about 55 Years, occupation . Business, R/o MIG - 2-64, Housing Board Colony, Nandyal - 518 501, Nandyal District, A.P.
6. Mir Majaz Ali, S/o Mir Muntaz Ali, Aged about 59 Years, Occupation . Business, R/o H. No. 9-20-1255/1, Auto Nagar, Nizamabad - 503 001, Telangana State.
7. Syed Taufiq, S/o Syed Abdul Qayyum, Aged about 45 Years, Occupation . Business, R/o H. No. 9-11-22, Ahmedpura Colony, Nizamabad - 503 001, Telangana State.
8. Smt. Mohammed Iftakar Hussain, W/o Late Mohammed Asghar Hussain, Aged about 68 Years, Occupation . Business, R/o H. No. 12-2-790/20, Ayodhya Nagar Colony, Asif Nagar, Hyderabad - 500 028, T.S.
9. Syed Najib Ali, S/o Syed Yaqoob Ali, Aged about 52 Years, Occupation . Business, R/o H. No. 9-12-182, Ahmedpura Colony, Nizamabad - 503 001, Telangana State.
10. M.A. Mateen, S/o M.A. Samad, Aged about 44 Years, Occupation . Business, R/o H. No. 9-13-197, Mohammadia Colony, Nizamabad - 503 001, Telangana State.

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11. Smt. Rama Karuna Sree, W/o Rama Kiran -Kumar, and D/o Late Kamatam Venkatesham, Aged Major, Occupation . Household, R/o H. No. 3-1-535 (Old) 3-01-814 (New), C.V.R.N. Road, Karimnagar - 505 001, T.S.

12. Sri Mittapalli, W/o Mittapalli Shashi Kiran, and D/o Late Kamatam Venkatesham, Aged Major, Occupation . Household, R/o H. No. 3-1-535 (Old) 3-01-814 (New), C.V.R.N. Road, Karimnagar - 505 001, T.S.
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16. Smt. Suryadevara Sridevi, C/o S. Radha Krishna - Murthy, Aged about 50 Years, Occ . Household, R/o 17-7-5, 7th Floor, Tower - 17, Shiram Sameeksha Apartment, Kuvempunagar, 1st Stage, VTC . Bangalore North, PO . Jalahalli -East, Sub District - Bangalore North, Bangalore District, Karnataka - 560 014.
17. Ms. Suryadevara Shanthi, C/o S. Radha Krishna - Murthy, Aged about 49 Years, Occ . Household, R/o 17-7-5, 7th Floor, Tower - 17, Shiram Sameeksha Apartment, Kuvempunagar, 1st Stage, VTC . Bangalore North, PO . Jalahalli East, Sub District - Bangalore North, Bangalore District, Karnataka - 560 014.

...R 11 to 17 Proposed Respondents/Respondents/defendants

IA NO: 2 OF 2025

Petition under Order 39 Rules 1& 2 R/w Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant temporary injunction restraining the respondents, their legal heirs, representatives, successors-in-interest, power of attorneys, workers, henchmen etc., from alienating the petition schedule property to any one in any manner and create charge over the said property pending disposal of the main CMA.

PETITION SCHEDULE OF PROPERTY

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CIVIL MISCELLANEOUS APPEAL NO: 389 OF 2025

Appeal Under Order 43 Rule 1 of CPC aggrieved by and against the Order and Decree dated 02-07-2025 made in I.A. No. 1120 of 2023 in O.S. No. 158 of 2023 on the file of the Court of the VI Additional District and Sessions Judge, Ranga Reddy District at Kukatpally.

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...R 11 to 17 Proposed Respondents/Respondents/defendants

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in O.S. No. 158 of 2023 pending on the file of the VI Additional District and Sessions Judge, Ranga Reddy District at Kukatpally pending disposal of the main CMA.

IA NO: 3 OF 2025

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PETITION SCHEDULE OF PROPERTY

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North : Neighbours Land.

South : Neighbours Land.

East : Neighbours Land.

West : Neighbours Land.

Counsel for the Appellants in all CMAs : SRI T P ACHARYA

Counsel for the Respondents in all CMAs : _ _ _

The Court delivered the following: Common Judgment

**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND**

THE HON'BLE JUSTICE GADI PRAVEEN KUMAR

CIVIL MISCELLANEOUS APPEAL Nos.373, 387 & 389 OF 2025

Mr.T.P.Acharya, learned counsel appearing for the appellants.

COMMON JUDGMENT: (Per Hon'ble Justice Moushumi Bhattacharya)

1. We have heard the submissions made by learned counsel appearing for the appellants/plaintiffs in the suit (O.S.No.158 of 2023) filed before the Trial Court for partition and separate possession and to declare sale deeds and irrevocable General Power of Attorney as null and void. The appellants filed three IAs (I.A.No 1119 of 2023, I.A.No 1120 of 2023 and I.A.No.1121 of 2023) in the said suit. All the three IAs were dismissed by the Trial Court through a common order dated 02.07.2025 which is impugned order in the present CMAs.

2. The Trial Court dismissed the three IAs essentially on the finding that the appellants herein failed to make out a *prima facie* case in their favour and also mentioned that the balance of convenience was not in the appellants favour. The Trial Court further stated that appellants herein would not be put to irreparable loss if injunction was not granted. The Trial Court also found that the respondent Nos.4 and 5 (defendants) denied execution of the sale deeds. The Trial Court concluded that

there was no valid sale deed in favor of the appellants and as the result title of the appellants over the property cannot be determined without a full-fledged trial.

3. We do not find error in the reasons given by the Trial Court since the contentions of the appellants/plaintiffs and the respondents/defendants over the plaintiffs' title can only be decided in trial and not in an I.A. where satisfaction only of a *prima facie* case is required to be satisfied.

4. C.M.A.Nos.373, 387 and 389 of 2025, along with all connected applications, are accordingly disposed of. The appellants are granted liberty to raise all these contentions during the trial. There shall be no order as to costs.

**SD/- N SRIHARI,
DEPUTY REGISTRAR.**

//TRUE COPY//

SECTION OFFICER

To,

1. The VI Additional District and Sessions Judge, Raigam Reddy District at Kukatpally
2. One CC to SRI T P ACHARYA, Advocate [OPUC]
3. Two CD Copies

ADK

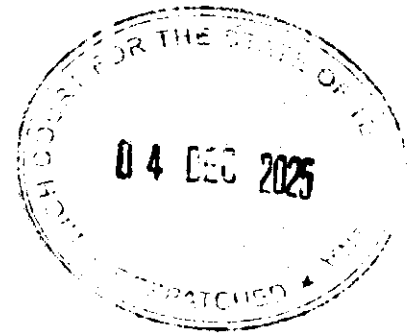


HIGH COURT

DATED:27/10/2025

COMMON JUDGMENT

CMA.Nos.373, 387, & 389 of 2025



**DISPOSING OF ALL CRPs
WITHOUT COSTS**

5
Asu
14/11/25