

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

**FRIDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

**:PRESENT:
THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

**IA No. 1 OF 2023
IN
CMA NO: 622 OF 2023**

Between:

1. Sri Vanga Suryaprakash Reddy, s/o V. Bikshapathi Reddy,
Age: 62 years, Occu: Business,
R/o: Flat No. 409, Parimila Winsone,
11-8-99/106, Narasimhapuri Colony,
Kothapet, Hyderabad – 500035
2. Sri Vanga Raju Reddy, s/o V. Bikshapathi Reddy,
Age: 53 years, Occu: Business,
R/o: Flat No. 302, Alekhya Pride,
16-8-17/1-391/T/167, Saraswathinagar,
Saidabad, Hyderabad – 500059

...Petitioners/Appellants

And

1. Smt. Kareddy Praveena, w/o K. Mahender Reddy,
Age: 57 years, Occu: Housewife,
R/o: Flat No. 202, Vijaya Vihar Apartments,
Road No. 4A, Margadarshi Colony,
Kothapet, Hyderabad
2. Smt. Padidam Rani, w/o P. Mahender Reddy,
Age: 50 years, Occu: Housewife,
R/o: Flat No. 302, Hyndvik Krithin Heights,
6 Cross, Iscon City, Nellore, Andhra Pradesh - 524002
3. Sri Vanga Bikshapathi Reddy, s/o Late V. Ramchandra Reddy,
Age: 84 years, Occu: Agriculture,
R/o: 16-1-28/2, Jayanagar, Saidabad, Hyderabad – 500060

4. Sri Vanga Srinivas Reddy, s/o V. Bikshapathi Reddy,
Age: 45 years, Occu: Medical Practitioner,
R/o: 16-1-28/2, Jayanagar, Saidabad, Hyderabad - 500059
5. Sri Manchireddy Dayanand Reddy, s/o Late Bhoopal Reddy,
Age: 62 years, Occu: Business,
r/o: H. No. 50, Eliminedu village,
Ibrahimpattanam Mandal, Ranga Reddy District
6. Smt. B.V. Neethu Reddy, w/o B.V. Jayanageshwar Reddy,
Age: 32 years, Occu: Medical practitioner,
R/o: Emmiganuru Village and Mandal,
Kurnool District, Andhra Pradesh
7. Smt. P. Reethu Reddy, w/o P. Praneeth Reddy,
Age: 32 years, Occu: Medical Practitioner,
R/o: Villa No. 75, Magdha Village, Kokapet,
Gandipet Mandal, Ranga Reddy District
8. Sri Manchireddy Bhoopal Reddy, s/o M. Dayanand Reddy,
Age: 25 years, Occu: Student,
R/o: H.No. 50, Eliminedu Village
Ibrahimpattanam Mandal, Ranga Reddy District
9. M/s Santosh Dabha,
V.R.R. Complex, H.No. 10-1-80/8/A, Shop No. 1,
Bairamalguda, Saroornagar Mandal,
Ranga Reddy District - 500079
10. M/s Khadim Footwear,
V.R.R. Complex, H.No. 10-1-80/8/A, Shop No. 1,
Bairamalguda, Saroornagar Mandal,
Ranga Reddy District - 500079
11. M/s Gampa Baby Ville Showroom,
V.R.R. Complex, H.No. 10-1-80/8/A, Shop No. 1,
Bairamalguda, Saroornagar Mandal,
Ranga Reddy District - 500079
12. M/s Sai Datta Furnitures,
V.R.R. Complex, H.No. 10-1-80/8/A, Shop No. 1,
Bairamalguda, Saroornagar Mandal,
Ranga Reddy District - 500079

13. M/s Mandi Restaurant,
V.R.R. Complex, H.No. 10-1-80/8/A, Shop No. 1,
Bairamalguda, Saroornagar Mandal,
Ranga Reddy District - 500079
14. M/s Mobile Shop,
V.R.R. Complex, H.No. 10-1-80/8/A, Shop No. 1,
Bairamalguda, Saroornagar Mandal,
Ranga Reddy District - 500079
15. Salla Chandra Reddy, s/o Ram Reddy
Age: 75 years, Occu: Business,
R/o: H.No. 3-41/1, Street No. 5, Manikpuri,
Habsiguda, Hyderabad

...Respondents/Respondents

Counsel for the Petitioners : Sri SRIRAM POLALI

Counsel for the Respondents :M/s RESU LAW OFFICE

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order dated 05.09.2023 in I.A.No.127 of 2021 in O.S.No.201 of 2020 on the file of the XI Additional District and Sessions Judge, Ranga Reddy District, Pending disposal of CMA No. 622 of 2023, 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 (The receipt of this order will be deemed to be the receipt of notice in the case)

ORDER:

Heard Sri Sriram Polali, learned counsel appearing for the petitioners-appellants and M/s. Resu Law Office, learned counsel appearing for the respondents.

Learned counsel appearing for the appellants had contended that respondents plaintiffs have filed O.S.No.201 of 2020 against the appellants-defendants, and their father, brothers and other tenants. In the said suit, respondents-plaintiffs have filed I.A.No.127 of 2021 seeking to appoint a Receiver for collection of rents. The Court below, however, appointed a Receiver in respect of property of the appellants' father as though there was no such prayer in the said IA. Learned counsel had further contended that contrary to the pleadings in I.A.No.127 of 2021, the Court below has appointed the Receiver *vide* order dated 05.09.2023, in respect of the property of the appellants' father, without there being apportionment of the property i.e., what extent of share the father of the appellants is entitled to and because of the order passed by the Court below, the appellants are not in a position to lease out the property or collect the

rents. Admittedly, the suit schedule property is a commercial property. Therefore, appropriate orders be passed in the application by suspending the order passed by the Court below.

In view of the submissions made by the learned counsel appearing for the petitioners-appellants, this Court is of the view that respondents-plaintiffs have filed I.A.No.127 of 2021 seeking to appoint Receiver. However, the Court below has not granted the relief as sought for by the respondents-plaintiffs. But, granted the relief by appointing a Receiver in respect of the property of appellants' father, which is not the prayer of the respondents-plaintiffs. The Court below ought not to have granted such a relief contrary to the pleadings. Therefore, the order dated 05.09.2023 passed in I.A.No.127 of 2021 is suspended, until further orders.


SD/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The XI Additional District and Sessions Judge, Ranga Reddy District
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Age: 75 years, Occu: Business,
R/o: H.No. 3-41/1, Street No. 5, Manikpuri,
Habsiguda, Hyderabad (2 to 16 By RPAD)
17. One CC to Sri SRIRAM POLALI, Advocate [OPUC]
18. Two spare copies

HIGH COURT

**AKS,J
&
RRN,J**

DATED:05/01/2024

ORDER

**IA.NO.1 OF 2023
IN
CMA.No.622 of 2023**



SUSPENSION