

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: S.A.No.388 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
01.	09.09.2026	<u>GPK, J</u> <u>I.A.No.1 of 2026</u> Dispensed with for the present. <u>I.A.No.2 of 2026</u> Heard Sri M.M.Ali, learned counsel for the appellant and perused the record. The present Second Appeal is filed assailing the judgment and decree dated 19.06.2026 in A.S.No.02 of 2025 passed by the Principal District Judge, Medak District allowing the appeal by setting aside the the judgment and decree dated 11.12.2023 in O.S.No.69 of 2016 passed by Principal Junior Civil Judge-cum-Judicial First Class Magistrate, Medak District at Medak. The respondent/plaintiff filed the suit O.S.No.69 of 2016 for recovery of possession. It is stated that the plaintiff is the owner and possessor of open plot bearing municipal No.1-9-3/A/1/1, admeasuring 144.00 sq.yards situated at Azampura locality, Medak Town, Medak Mandal and District and the open place of the defendant is situated towards southern side of the property of the plaintiff. However, it is the case of the plaintiff is that in the absence of the plaintiff, the defendant encroached land of the plaintiff to an extent of 70.00 sq.yards towards the southern side and constructed the house. Hence, the present suit is filed for recovery of 70.00 sq.yards of land which is the suit schedule property. The learned Trial Court, upon an elaborate hearing, dismissed the suit on 11.12.2023 on the ground that the burden is	

		on plaintiff to prove that the defendant encroached the suit schedule property whereas the plaintiff could not prove the case against the defendant. Aggrieved by the same, A.S.No.2 of 2025 was preferred before the First Appellate Court. The learned First Appellate Court, vide judgment and decree dated 19.06.2026 allowed the appeal by setting aside the order dated 11.12.2023 and held that learned trial Court committed error in dismissing the suit and that Plaintiff could establish his case and ground to interfere with the judgment and decree under appeal. Being aggrieved by the same, the appellant/respondent has preferred the present Second Appeal. For considering the substantial questions of law framed at point Nos.3 and 4, issue notice to the respondent. Personal notice is also permitted. Post on 28.10.2026. Since there is a reversal finding, to meet the ends of justice, both parties are directed to maintain <i>status quo</i> in respect of possession of the suit schedule property. _____ GPK,J gv	
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