

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

**MONDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

**IA No. 3 OF 2025
IN
CMA NO: 434 OF 2025**

Between:

Kosanam Ram Reddy, S/o Late K Ramchandra Reddy.

...Appellant/Defendant No.1
(Appellant in CMA 434 OF 2025
on the file of High Court)

AND

1. Vasireddy Bhagyamma, W/o Satyanarayana Reddy, Aged about 67 years, Occ.
Housewife, R/o H. No. 8-6-201/F1/90, Plot No.90, Phase-I, Vanasthalipuram, Ranga
Reddy District.

...Respondent/Plaintiff

2. Kosanam Rajashekar Reddy, S/o Late Ramchandra Reddy, Aged about 55 years, Occ.
Business, R/o H.No.16-2-752/91 and 92, SBHC Colony, G.A-16, Saidabad,
Hyderabad

...Respondent/Defendant No.2
(Respondents in-do-)

Counsel for the Petitioner

**: Sri A. Venkatesh, Senior Counsel representing Sri
Vadeendra Joshi.**

Counsel for the Respondent No.1 : Sri Mungala Narayana Rao

Counsel for the Respondent No.2 : None appeared

Petition under Order 39 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 operation of decree and order dt.30.10.2025 passed in I.A.No.42 of 2025 in O.S.No.19 of 2025 on the file of the Ld. Senior Civil Judge- Ramannapet Senior Civil Judge, Ramannapet, Yadadri Bhuvanagiri District. pending disposal of CMA No. 434 of 2025, on the file of the High Court.

The court while directing issue of notice to the Respondent No.2 herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

The Court made the following

ORDER:

Heard Sri A.Venkatesh, learned Senior Counsel representing Sri Vadeendra Joshi, learned counsel for the appellant and Sri M.Narayana Rao, learned counsel for the respondent No.1 (caveator).

None appeared for the respondent No.2.

Brief facts give rise to the present appeal are that the respondent No.1/plaintiff filed the OS No.19 of 2025 against Appellant/Defendant No.1 and Respondent No.2/defendant No.2 for declaration that the plaintiff is the title holder as absolute owner of Ac.3.00 gts in Sy No.98/A (Plaint Schedule-A) and Ac.3-00 gts in Sy No.98/AA (plaint Schedule-B) situated at Thallasingaram Village and for a decree of injunction to restrain the Defendant Nos.1 and 2 from interfering with the alleged possession of the plaintiff over the suit properties.

As seen from the record that initially ex parte ad-interim injunction was granted in favour of the respondents herein vide IA No.42 of 2025 in OS NO.19 of 2025, dated 07.03.2025. Subsequently, the appellant herein preferred CMA No.108 of 2025, and this Court suspended the said interim injunction order, vide 27.03.2025. Thereafter, the trial Court passed the orders on merits, vide 30.10.2025. Aggrieved by the said order, dated 30.10.2025, the present appeal is filed by the appellant/defendant No.1.

Though this Court having heard both the parties at length, and decided to dispose of the matter on merits, however it is observed that Sri M.Narayana Rao, who filed caveat is appearing for the respondent No.1 only and no notice was sent to respondent No.2, however the learned Senior Counsel for the appellant/defendant No.1 contended that respondent No.2 is remained set ex-parte before the trial Court, however to give a fair opportunity of hearing to the respondent No.2, this Court is not inclined to dispose of the matter at this point of time, without issuing notice or hearing to respondent No.2. Besides that, as both the parties are claiming right over the suit schedule property independently through registered settlement deeds wherein the respondent No.1 is relying on registered gift settlement deed, doc Nos.348/2004 and 349/2004, dated 09.02.2004, whereas the appellant is relying on Settlement Deed, Doc Nos.2336/2015 and 2337/20015, dated 08.02.2015.

Learned Senior counsel for the appellant further contended that Registered Gift Settlement deed, dated 09.02.2004 are nominal documents and executed by way of security for repayment and in the form of the mortgage, but not as a gift settlement deed.

Prima facie, both the parties are claiming right over the suit schedule property and the core dispute is with regard to the land where swimming pool is situated, wherein the respondent No.1 stated that the swimming pool is situated in their land whereas the plaintiff also claims their right over the said swimming pool and further contended that the plaintiff has constructed the said swimming pool in their land and argued that the appellant herein has obtained NALA permission from the concerned authorities for conversion of land from agricultural land to non-agricultural land and further argued that that the same is a commercial one and the same is under the possession of the appellant. Per contra, the respondent pleaded that they have

constructed the swimming pool. Though, it is contented that, in the trial Court only the contesting parties are appellant and respondent No.1 and respondent No.2 was set *ex-parte*, as the appellant seeking interim suspension of interim injunction contending that it would cause great loss and hardship but simultaneously considering the fact that respondent No.1 is also claiming rights of the property.

Having considered the rival submissions made by both the parties and notice is yet to be served on respondent No.2, hence, pending disposal of the appeal, this Court opines and deem it fit to suspend the temporary injunction granted by the trial Court in IA No.42 of 2025 in OS No.19 of 2025, dated 30.10.2025 till the next date of hearing and directed both the contesting parties to maintain status-quo as on today over the suit schedule property and in respect of the alleged swimming pool.

Issue notice to the respondent No.2.

Learned counsel for the petitioner is appellant is permitted to take out personal notice on respondent No.2 and file proof of service by the next date of hearing.

List on 24.11.2025.

SD/- REKHA RANI BALAGANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Senior Civil Judge at Ramannapet.
2. Kosanam Rajashekar Reddy, S/o Late Ramchandra Reddy, Occ. Business, R/o H.No.16-2-752/91 and 92, SBHC Colony, G.A-16, Saidabad, Hyderabad
(By SPAD)
3. One CC to SRI VADEENDRA JOSHI Advocate [OPUC]
4. One CC to SRI MUNGALA NARAYANA RAO Advocate [OPUC]
5. One spare copy

HIGH COURT

NNRJ

DATED:18/11/2025

LIST ON 24.11.2025.

ORDER

**IA. No. 3 of 2025
IN
CMA.No.434 of 2025**

STATUS QUO

