

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: S.A. No. 612 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
01.	05.01.2026	<u>RY, J</u> <u>I.A. No. 1 of 2025</u> This application is filed to condone the delay of 359 days in resubmitting the present second appeal. Heard learned counsel for the petitioners (appellants). For the reasons stated in the accompanying affidavit, the I.A. is ordered condoning the delay of 359 days in resubmitting the present second appeal. <u>S.A. No. 612 of 2025</u> Heard learned counsel for the appellants. The appellants (defendant Nos.1 and 2) have preferred the second appeal aggrieved by the judgment and decree dated 03.09.2024 passed in A.S. No. 36 of 2018 by the learned XXVI Additional Chief Judge, City Civil Court, Hyderabad (for short, 'the First Appellate Court') and the judgment and decree dated 02.06.2017 passed in O.S. No. 1653 of 2004 by the learned Additional Judge-cum-VI Senior Civil Judge, Hyderabad (for short, 'the Trial Court'). The respondent (plaintiff) filed a suit in O.S. No. 1653 of 2004 seeking declaration of the	

		sale deed document No. 2522 of 2003 dated 14.08.2003 as null and void and for consequential delivery of the vacant possession of the suit schedule property consisting of the first floor premises bearing municipal No.5-1-652/14, forming part of old No.5-1-652 (old No.199-B-8) situated at Troop Bazar, Hyderabad. The Trial Court decreed the suit partly granting the relief of declaration of sale deed document No.2522 of 2003 dated 14.08.2003 as null and void but denied to grant delivery of possession of the suit schedule property as there was no evidence and no pleading to the said effect. Aggrieved by the same, the appellants herein have preferred first appeal <i>vide</i> A.S. No. 36 of 2018 before the First Appellate Court and the First Appellate Court while confirming the relief of declaration of title, also granted relief of delivery of possession of the suit schedule property in favour of the respondent. Aggrieved by the judgments of both the Trial Court and the First Appellate Court, the present Second Appeal is preferred. In the second appeal, the following substantial questions of law arise for consideration: <i>1) Whether the First Appellate Court committed a substantial error of law and jurisdiction by decreeing the recovery of possession in the Civil Suit, when the defendant's right to possession flowed from an admitted, pre-existing tenancy, thereby</i>	
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		<i>granting a relief for eviction which is barred and exclusively vested under the Telangana buildings (lease, rent and eviction) control Act, 1960 and the Transfer of Property Act, 1882, which govern the manner and grounds for evicting a tenant?</i> 2) <i>Whether a decree for recovery of possession can be granted as a consequential relief to the cancellation of a document, when the defendant's possession is shown to be protected by an independent, pre-existing lawful tenancy which was admitted by the plaintiff, requiring a separate suit for eviction under the appropriate statute?</i> Admit. Notice. Call for the records. List on 09.03.2026 along with the connected matters <i>viz.</i>, S.A. Nos. 584, 585 and 610 of 2025 for analogous hearing. <u>I.A. No. 2 of 2025</u> This application is filed to grant stay of the operation of the decree dated 03.09.2024 passed in A.S. No. 36 of 2018 on the file of learned XXVI Additional Chief Judge, City Civil Court, Hyderabad. Heard learned counsel for the petitioners (appellants). In a suit <i>viz.</i>, O.S. No. 1653 of 2004 for	
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		declaration of sale deed document No. 2522 of 2003 dated 14.08.2003 as null and void and for consequential delivery of the vacant possession of the suit schedule property, the Trial Court partly decreed the suit partly granting the relief of declaration of sale deed document No.2522 of 2003 dated 14.08.2003 as null and void but denied to grant delivery of possession of the suit schedule property. Aggrieved by the same, the appellants (petitioners) preferred A.S. No. 36 of 2018 and the First Appellate Court dismissed the same confirming the relief of declaration of title and also granted relief of delivery of possession of the suit schedule property in favour of the respondent. Aggrieved by the same, the present Second appeal is preferred along with the present Interlocutory Application seeking stay of operation of the decree dated 03.09.2024 passed by the First Appellate Court in A.S. No. 36 of 2018. The appellants (petitioners) are in occupation of the suit schedule property from the year 2003 onwards till date. Therefore, there shall be interim stay of the operation of the decree dated 03.09.2024 passed in A.S. No. 36 of 2018 on the file of learned XXVI Additional Chief Judge, City Civil Court, Hyderabad, till 09.03.2026. RY,J gms	
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