

HIGH COURT FOR THE STATE OF TELANGANA: HYDERABAD

MAIN CASE NO: **Second Appeal No.536 of 2025**

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
1.	11.12.2025	<u>RY,J</u> <u>S.A.No.536 of 2025</u> 1. Heard learned counsel for the appellants. 2. The respondent herein/plaintiff filed suit for recovery of vacant possession and mandatory injunction to remove the super structures in the suit schedule property consisting of house site to an extent of 222 square yards out of Sy.No.419 of Kalluru village and mandal of Khammam District, against the appellants herein/defendants on the file of the Senior Civil Judge at Sathupalli ('trial Court') in O.S.No.79 of 2011. The trial Court decreed the suit directing the appellants herein to deliver the vacant possession of the suit schedule property to respondent herein after demolishing the super structures within three months from the date of decree. 3. Aggrieved by the same, the	Transferred to Daily order/I/O folder before correction.

S.A.No.536 of 2025

SL. NO	DATE	ORDER	OFFICE NOTE
		appellants herein filed first appeal in A.S.No.23 of 2024 on the file of the VI Additional District Judge, Sathupally, ('First Appellate Court') and the same was dismissed <i>vide</i> judgment and decree dated 04.09.2025 confirming the judgment of the trial Court. Aggrieved by the same, the present Second Appeal is preferred. 4. In the Second Appeal, the following substantial questions of law arise for consideration: 1. Whether the trial Court and the First Appellate Court erred in failing to consider the defence taken by the appellants about lack of cause of action? 2. Whether the trial Court and the First Appellate Court have failed to notice that the suit for recovery of possession is barred by limitation on account of possession of the appellants over the suit schedule property from the year 1971 onwards when the suit for recovery of possession was filed in the year 2011? 5. Admit. 6. Call for records from the concerned Courts. 7. Issue notice to the respondent.	

S.A.No.536 of 2025

SL. NO	DATE	ORDER	OFFICE NOTE
		8. Personal notice is permitted. 9. List on 29.01.2026. <u>I.A.No.1 of 2025</u> 1. Heard learned counsel for the appellants/petitioners. 2. The respondent herein/plaintiff filed suit for recovery of vacant possession and mandatory injunction to remove the super structures in the suit schedule property consisting of house site to an extent of 222 square yards out of Sy.No.419 of Kalluru village and mandal of Khammam District, against the appellants herein/defendants on the file of the Senior Civil Judge at Sathupalli ('trial Court') in O.S.No.79 of 2011. The trial Court decreed the suit directing the appellants herein to deliver the vacant possession of the suit schedule property to respondent herein after demolishing the super structures within three months from the date of decree. 3. Aggrieved by the same, the appellants herein filed first appeal in A.S.No.23 of 2024 on the file of the VI	

S.A.No.536 of 2025

SL. NO	DATE	ORDER	OFFICE NOTE
		Additional District Judge, Sathupally, (First Appellate Court) and the same was dismissed <i>vide</i> judgment and decree dated 04.09.2025 confirming the judgment of the trial Court. Aggrieved by the same, the present Second Appeal is preferred. 4. In view of the substantial questions of law framed by this Court and since the appellants are in possession of the suit schedule property, there shall be stay of all further proceedings in E.P.No.13 of 2025 on the file of the trial Court pursuant to judgments and decrees in O.S.No.79 of 2011 on the file of the trial Court and A.S.No.23 of 2024 on the file of the First Appellate Court, till the next date of hearing. 5. List on 29.01.2026. RY,J <u>Note:</u> Issue C.C. by 12.12.2025. B/o.GVR	