

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: S.A. No. 557 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
01.	27.11.2025	<u>RY, J</u> <u>I.A. No. 1 of 2025</u> Dispensed with for the present. <u>S.A. No. 557 of 2025</u> Heard learned counsel for the appellants. Respondent Nos.1 to 3 (plaintiffs) have initially filed a suit in O.S. No. 960 of 2010 on the file of learned VII Additional Junior Civil Judge, Warangal (for short, 'the Trial Court') for recovery of possession against the appellants herein and others. The said suit was decreed <i>vide</i> judgment and decree dated 18.02.2019 granting relief of recovery of possession in favour of respondent Nos.1 to 3. Aggrieved by the same, the appellants herein (defendant Nos.1 and 2) and respondent Nos.8 to 12 (defendant Nos.3 to 7) filed the first appeal <i>vide</i> A.S. No. 122 of 2019 before the learned Chairperson, Land Reforms Appellate Tribunal-cum-I Additional District Judge, Hanumakonda (for short, 'the First Appellate Court'). The first appeal was dismissed <i>vide</i> judgment and decree dated 18.09.2025 confirming the judgment and decree passed by the Trial Court leading to filing of the present second appeal.	

	Learned counsel for the appellants submitted that the relief of recovery of possession cannot be granted when no document is produced only on the basis of self serving evidence of respondent Nos.1 to 7. On this aspect, the following substantial questions of law arise for consideration of the present second appeal: <i>1) Whether the Courts below have examined the maintainability of the suit for recovery without seeking declaration of the suit schedule property?</i> <i>2) Whether Courts below have adjudicated with regard to the maintainability of the suit on the sole ground of limitation?</i> Admit. Notice. Call for the records. List on 29.01.2026. <u>I.A. No. 2 of 2025</u> This application is filed to grant stay of all further proceedings pursuant to the decree dated 18.09.2025 in A.S. No. 122 of 2019 on the file of learned Chairperson, Land Reforms Appellate Tribunal-cum-I Additional District Judge, Hanumakonda. Heard learned counsel for the petitioners (appellants). In a suit <i>viz.</i>, O.S. No. 960 of 2010 for recover of possession against the petitioners herein and	
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	others, the Trial Court decreed the suit. Aggrieved by the same, A.S. No.122 of 2019 was preferred and the First Appellate Court dismissed the appeal confirming the judgment and decree passed by the Trial Court. Aggrieved by the same, the present Second appeal is preferred along with the present Interlocutory Application seeking stay of all further proceedings pursuant to the decree dated 18.09.2025 passed by the First Appellate Court in A.S. No. 122 of 2019. In view of the fact that there is an issue of maintainability of the suit without seeking declaration of title and possession is with the petitioner No.2 herein, there shall interim stay of all further proceedings pursuant to the decree dated 18.09.2025 in A.S. No. 122 of 2019 on the file of learned Chairperson, Land Reforms Appellate Tribunal-cum-I Additional District Judge, Hanumakonda, till 29.01.2026. RY,J gms	
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