

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

**THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO**

LETTER PATENT APPEAL NO: 118 OF 2002

Appeal filed under Clause 15 of Letters Patent against the judgment and decree dated 18/3/2002 in Tr. A.S.No.469 of 1993 on the file of the Court of the District Munsiff, Shadnagar District Mahaboobnagar, in EA No.14 of 1983 in EP No.5 of 1983.

Between:

1. Katepaga Yadagiri, S/o. Late K. Pentaiah, Aged about 54 years, Occ: Agriculture
2. Katepaga Lalitha D/o. Late K. Pentaiah(died) per LRs appellants, 1,3 and 4
3. Katepaga Yadamma, D/o. Late K. Pentaiah, Aged about 34 years, Occ: Household
4. Katepaga Pushpamma @ Kusuma Kumary, D/o. Late K. Pentaiah, aged about 32 years, Occ: Household

(All are residents of Hyderabad)

...APPELLANTS/APPELLANTS/RESPONDENTS

AND

B.Maheshwar Reddy S/o. B. Janardhan Reddy, Aged about 55 years, Occ: Agriculture R/o. Rangareddy Guda Village, Zedcherla Tq, Mahaboobnagar District.

...RESPONDENT /RESP/PETITIONER

I.A. NO: 1 OF 2002(CMP. NO: 10496 OF 2002)

Petition under 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 stay the execution of the Decree of this Court made in Tr. A.S.No.469 of 1993 dated 18-3-2002 pending disposal of the above Appeal.

I.A. NO: 2 OF 2016(LPAMP. NO: 14 OF 2016)

Petition under 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 condone the delay of 283 days in resubmission of the papers in LPA MP (SR) No.9770 of 2015 in LPA No.118 of 2002.

Counsel for the Appellants: Sri Jeeshan Adnan Mahmood

Counsel for the Respondent: Smt. M.S.L.K. Srutha Keerthi

The Court delivered the following: JUDGMENT

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

THE HON'BLE SRI JUSTICE P.SAM KOSHY

AND

THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

LPA.No.118 of 2002

Dt.23.04.2026

Between:

Katepaga Yadagiri and three others.

.... Appellants

and

B.Maheshwar Reddy

...Respondent

JUDGMENT: *(Per the Hon'ble Sri Justice Suddala Chalapathi Rao)*

1. The instant Letter Patent Appeal has been filed challenging the common judgment and decree passed by the learned Single Judge of this Court in Tr.AS.No.469 of 1993 dt.18.03.2002 confirming the judgment and decree of the learned District Munsiff, Shadnagar District in EA.No.14 of 1983 in EP.No.5 of 1983 filed under Order XXI Rule 99 of CPC.

2. The appellants herein are the legal representatives of the plaintiff No.2 in O.S.No.22 of 1962 on the file of the Munsiff Magistrate, Shadnagar, Mahabubnagar District, and the

respondent herein, who is a *pendente lite* purchaser, has filed application *vide* EA.No. 14 of 1983 in EP.No.5 of 1983, before the trial Court, after dismissal of the Second Appeal confirming the judgment and decree in the said OS and delivery of the suit schedule property to the LRs of the plaintiff No.2 i.e., appellants herein by virtue of orders in EP.No.5 of 1983, and on the said application in EA.No.14 of 1983 being allowed by the District Munsiff, Shadnagar, directing redelivery of possession to respondent herein, assailing the said orders, the appellants herein filed Tr.A.S.No.469 of 1993 and the said Transfer appeal suit was dismissed and aggrieved thereby, the present appeal is filed before the Division Bench under Clause 15 of the Letters Patent.

3. The parties shall be referred as appellants/plaintiffs and respondents/respondents as referred in the present appeal for brevity and also for better understanding.

4. The brief facts of the case are that, the appellants/plaintiffs, being the legal representatives of late Sri K.Pentaiah, stated that the said K.Pentaiah along with his elder brother, Sri K.Lingaiah, have filed O.S.No.22 of 1962 on the file of the District Munsiff, Shadnagar, Mahabubnagar District, seeking declaration of title and recovery of possession in respect of land admeasuring

Ac.42.18 guntas in Survey Nos.213 to 218 and 235 of Ranga Reddyguda Village, Balanagar Mandal, Mahabubnagar District (hereinafter referred to as 'suit schedule property') against three defendants, namely Sri Laxma Reddy, Sri Ravinder Reddy and Sri P.Venkaiah, and that while Laxma Reddy and Ravinder Reddy remained *ex parte*, the 3rd defendant, Sri P.Venkatesh, contested the suit, and after trial, the learned trial Court decreed the suit on 14.09.1964 granting the reliefs as sought for by the appellants/plaintiffs.

5. Challenging the said judgment and decree, the 3rd defendant-Sri P.Venkaiah, had filed A.S.No.57 of 1964 before the District Judge, Mahabubnagar, and during its pendency, Sri Pentaiah died and his legal representatives i.e., appellants herein, were brought on record, and the said appeal was dismissed by judgment and decree dt.17.11.1967, by the learned District Judge, Mahabubnagar.

6. Assailing the judgment in A.S.No.57 of 1964, the 3rd defendant, Sri Venkaiah, filed S.A.No.122 of 1968 before this Court, and pending adjudication of the same, the 1st plaintiff *namely* Sri K.Lingaiah died and his wife Smt.Narsamma was brought on record as his legal representative, and pending the

said appeal, Smt. Narsamma, along with defendant No.3-Sri Venkaiah, executed a sale deed dt.17.01.1970 *vide* Ex.A1 transferring the suit schedule property in favour of the respondent in the present Letters Patent appeal, and that pending the second appeal before this Court, the purchaser i.e., the respondent herein had filed C.M.P.No.7025 of 1971 to implead himself as a party to the second appeal and also filed C.M.P.No.7026 of 1971 seeking to record compromise decree to the extent of the share of late Sri K.Lingaiah, and, however, the Second Appeal was ultimately dismissed by judgment and decree, dt.07.12.1971 with an observation that the parties may work out their remedies in appropriate proceedings, and thereafter, both Smt. K.Narsamma and Sri Venkaiah died, and subsequently the appellants, claiming as legal representatives of both plaintiffs, filed EP.No.5 of 1983 for recovery of possession, pursuant to which possession of the suit schedule property was delivered to them on 27.12.1983 through Court bailiff and the executing Court closed the EP.

7. It is further stated that the respondent herein, being a *pendente lite* purchaser, resisted the execution by the Court bailiff by producing Ex.A1 before the Court Nazir at the time of delivery of possession, but the same was not accepted and possession was

delivered to the appellants herein, nonetheless, the executing Court has also not appreciated the said fact and closed the said EP, pursuant to which, the respondent herein filed EA.No.13 of 1983 and EA.No.14 of 1983 in EP.No.5 of 1983 seeking appropriate relief including restoration of possession to the respondent herein, which was later treated as an application under Order XXI Rule 99 CPC. Further, it is also stated that O.S.No.4 of 1985 was filed for partition and, by orders of this Court, all matters were directed to be tried together, and upon enquiry treating the execution applications as suits, evidence was recorded on both sides and a common order was passed allowing the applications and directing redelivery of possession, and the suit for partition was returned for want of pecuniary jurisdiction.

8. It is further stated that aggrieved by the said order in EA.No.13 and 14 of 1983 in EP.No.5 of 1983, directing redelivery of possession to respondent herein, the appellants filed Tr.A.S.No.469 of 1993 against EA.No.14 of 1983 and also filed C.R.P.No.2199 of 1991 against EA.No.13 of 1983 before this Court challenging the order, dt.19.04.1991 passed in EP.No.5 of 1983, and this Court, upon appreciation of the entire material and in the light of the provision under Order XXI Rules 97 and 99 CPC,

dismissed the appeal in Tr.AS.No.469 of 1993 *vide* judgment dt.18.03.2002, and against the same, the appellants herein filed the present Letters Patent appeal.

9. However, on being mentioned by the counsel for respondent herein, on 20.03.2022, noted that "in view of the respective submissions made by the learned counsel, permission is granted to the respondent to withdraw the EA.No.13 of 1983 in EP.No.5 of 1983. Accordingly, the CRP which is filed against EA.No.13 of 1983 becomes redundant and the same is dismissed as infructuous and the order passed by this Court on 18.03.2022 shall be treated as the one in Tr.AS.No.469 of 1993 alone".

10. *Heard Sri Jeeshan Adnan Mahmood, learned counsel for the appellants and Smt M.S.L.K.Srutha Keerthi, learned counsel for the sole respondent.*

11. The learned counsel for the appellants contended that the suit in O.S.No.22 of 1962 filed by Sri K.Lingaiah and Sri K.Pentaiah for declaration of title and recovery of possession, being absolute owners, was decreed after full-fledged trial by judgment and decree, dt.14.09.1964, and that the appeal filed by the 3rd defendant was dismissed, and the Second Appeal in

S.A.No.122 of 1968 was also dismissed by this Court confirming the said decree, and thus, the decree attained finality, pursuant to which EP.No.5 of 1983 was filed for recovery of possession and the possession was delivered, and as the suit proceedings have been attained finality, the respondent cannot derive any title based on the said sale deed.

12. It is further contended that the respondent is only a *pendente lite* purchaser and his claim is hit by Section 52 of the Transfer of Property Act, 1882 and no right accrues to him as the purchase was made during the pendency of the Second Appeal, and that despite the sale deed/Ex.A1 executed by Smt. K.Narsamma along with the 3rd defendant, no valid title passes to the respondent, and therefore, the delivery of possession effected by the Nazir in favour of the appellants was proper and valid, and that orders passed in EA.No.14 of 1983 are not valid and violative of law.

13. It is further contended that the learned District Munsiff, without properly appreciating the legal position that a *pendente lite* purchaser cannot claim independent rights, erroneously allowed EA.Nos.13 and 14 of 1983, in EP.No.5 of 1983 and

directed redelivery of possession, without following due procedure, despite the decree having attained finality upto the this Court.

14. It is also contended that the learned Single Judge, while dismissing Tr.A.S.No.469 of 1993, erred in placing reliance on Ex.A1 and in holding that non-impleadment of the respondent amounts to *suggestio falsi and suppressio veri*, and further grossly erred in holding out that the executing Court ought to have invoked Order XXI Rule 97 CPC, and the learned Executing Court as well as the Court Nazir had exceeded their jurisdiction in properly adjudicating the objections and grossly erred in holding out that the Executing Court improperly endorsed such action.

15. It is further contended that the finding of the learned Single Judge that the appellants were aware of the sale transaction and that possession delivered in their favour despite Ex.A1 is illegal is erroneous, more particularly, when no proceedings were initiated for cancellation of Ex.A1, and further contends that the delivery of possession to the appellants herein in execution of a final decree cannot be found fault with, thus the orders in EA.No.14 of 1983 are not valid and liable to be set aside.

16. It is thus contended that the learned Single Judge of this Court failed to properly appreciate the settled principles of law and the finality of the decree in O.S.No.22 of 1962 as confirmed up to S.A.No.122 of 1968, and erroneously gave credence to the sale deed/Ex.A1, executed during the pendency of the proceedings of SA.No.122 of 1968, and therefore, contends that the judgment in Tr.A.S.No.469 of 1993 is contrary to law and evidence on record, and liable to be set aside by allowing the appeal.

17. *Per contra*, learned counsel for the respondent contended that though the judgment and decree in O.S.No.22 of 1962 has attained finality, during the pendency of the Second Appeal, Sri K.Lingaiah, who is plaintiff No.1(elder brother and equal shareholder) died, and his wife Smt. K.Narsamma, being the sole legal heir, was brought on record and during pendency of the second appeal, the respondent purchased the suit schedule property from her and defendant No.3, and though such purchase, though is hit by Section 52 of the Transfer of Property Act, the respondent, upon dismissal of the Second Appeal will step into the shoes of plaintiff No.1, and would derive valid title to the extent of the share of his vendor, Smt K.Narsamma, as OS.No.22 of 1962 ultimately decreed in favour of the said vendor, who is

plaintiff No.1, who executed Ex.A1, and the plaintiff No.2 is represented by the appellants herein.

18. It is further contended that the respondent steps into the shoes of Smt. K.Narsamma, and is entitled to all rights that would have accrued to her as the legal heir of the 1st plaintiff, and that during the pendency of the Second Appeal, applications were filed seeking impleadment and compromise to the extent of the share of Sri K.Lingaiah, in CMP.No.7025 of 1971 and CMP.No.7026 of 1971, but the appeal was dismissed however, by permitting the parties to work out their remedies in appropriate proceedings, and therefore, the respondent was justified in asserting his rights in execution proceedings.

19. Further, it is contended by the learned counsel that the appellant herein under misrepresentation claiming to be the legal heirs of both K.Lingaiah(i.e., vendor of respondent) and K.Pentaiah, have got delivery of possession by the Nazir in their favour and, the Nazir and the executing Court, without proper consideration of Ex.A1 and the respondent's rights, delivered the possession and consequently, the respondent filed EA.No.13 and 14 of 1983 in EP.No.5 of 1983, and upon due enquiry under Order

XXI Rules 97 and 99 CPC, the executing Court rightly allowed the said applications and directed redelivery of possession.

20. It is also contended that the learned Single Judge, upon proper appreciation of evidence and material on record, rightly dismissed Tr.A.S.No.469 of 1993 confirming the order of the executing Court in EA.Nos.13 & 14 of 1993, and having recorded cogent findings on all issues has allowed the applications, no interference is warranted by this Court, and the appeal is devoid of merits.

21. It is further contended, by way of preliminary objection, that in view of Section 100A CPC, the present Letter Patent Appeal is not maintainable, as the provision bars further appeal to the Division Bench from a judgment of a learned Single Judge, and on this ground alone, the appeal is liable to be dismissed.

22. *We have given earnest consideration to the submissions made by both sides and perused the material on record.*

23. Before advertng to the main contentions in the present Letters Patent appeal, it is necessary to consider the preliminary objection raised by the learned counsel for the respondent with regard to maintainability, contending that in view of the amended

Section 100A of the CPC, no further appeal would lie to the Division Bench against a judgment rendered by a learned Single Judge sitting in appellate jurisdiction.

24. Section 100-A of the CPC, which was brought into existence w.e.f. 01.07.2002, reads as under:

“100A. No further appeal in certain cases.—
Notwithstanding anything contained in any Letters Patent for any High Court or in any instrument having the force of law or in any other law for the time being in force, where any appeal from an original or appellate decree or order is heard and decided by a Single Judge of a High Court, no further appeal shall lie from the judgment and decree of such Single Judge.”.

25. Evidently, the amended provision of Section 100A CPC came into force w.e.f., 01.07.2002, whereas the present appeal has been filed on 31.03.2002, i.e., prior to the said amendment coming into effect. It is a settled principle of law that, unless expressly provided otherwise, statutory amendments affecting substantive rights are prospective in operation, and the right of appeal being a vested right accrues to the litigant on the date of institution of proceedings, cannot be taken away by a subsequent amendment.

26. In the absence of any express provision giving retrospective effect to the amended Section 100A CPC, the said amendment cannot be applied to appeals instituted prior to 01.07.2002. Therefore, the bar under Section 100A CPC would not operate against the present appeal, which was filed before the amendment came into force.

27. In that view of the matter, the preliminary objection raised by the respondent is devoid of merit and is accordingly rejected. Thus, in our considered view, the present Letter Patent Appeal is maintainable.

28. Now, we propose to deliberate upon and appreciate the evidence on record so as to address the principal contentions raised by the parties in the instant Letters Patent appeal.

29. It is an admitted fact that the suit in O.S.No.22 of 1962 was instituted by the two brothers, Sri Katepaga Lingaiah and Sri Katepaga Pentaiah, seeking a declaration of title and recovery of possession of the suit schedule property, comprising Acres 42.18 guntas of land in Survey Nos.213 to 218 and 235 of Rangareddy Village, Balanagar Mandal, Mahabubnagar District, against three defendants. The 1st and 2nd defendants remained ex parte, while

the 3rd defendant, Sri P. Venkaiah, contested the suit, and after elaborate trial and enquiry, the learned District Munsiff, Shadnagar, decreed the suit on 14.09.1964, declaring the plaintiffs as absolute owners and granting consequential relief for recovery of possession.

30. Further, it is evident that the 3rd defendant, Sri Venkaiah, challenged the decree in A.S.No.57 of 1964 before the District Judge, Mahabubnagar, and pending the said appeal, Sri Pentaiah passed away, and his legal representatives i.e., the appellants herein, were brought on record and ultimately, the appeal was dismissed on 17.11.1967. Subsequently, the 3rd defendant preferred a Second Appeal before this Court in S.A.No.122 of 1968. During the pendency of the Second Appeal, Sri K. Lingaiah, the elder brother, passed away, and his wife, Smt. K. Narsamma, as the sole surviving legal heir, was brought on record, and she along with the 3rd defendant jointly executed a registered sale deed/Ex.A1 in favor of the respondent herein, and the said factum of execution of Ex.A1 during the pendency of the Second Appeal in SA.No.122 of 1968 was within the knowledge of the appellants herein.

31. Evidently, the respondent herein pursuant to the execution of Ex.A1, Sale Deed, filed applications *vide* C.M.P.Nos.7025 and 7026 of 1971, seeking to implead himself in the Second Appeal and also for entering into a compromise regarding the share of Late Sri K. Lingaiah and his wife, Smt. Narsamma(i.e., LR of K.Lingaiah), but the same were not considered, and ***ultimately, the Second Appeal was dismissed with the observation that the parties may work out their remedies in appropriate proceedings.***

32. After dismissal of the Second Appeal, the appellants, claiming to be the sole legal heirs of both Sri K. Lingaiah and Sri Pentaiah, filed EP.No.5 of 1983 for recovery of possession as by suppressing the fact of execution of Ex.A1 by Smt K.Narsamma (LR of K.Lingaiah/plaintiff No.2) in favour of respondent herein, as by that time, both the 3rd defendant and Smt. K. Narsamma have expired, and the respondent was only in possession of the suit schedule property. The District Munsiff, Shadnagar, issued a warrant to the Nazir for delivery of possession to the appellants herein, and, despite the respondent herein presenting Ex.A1 to the Nazir, the Nazir did not consider it and executed the warrant, delivering possession to the appellants, and the executing Court

has also not appreciated Ex.A1 and closed the said EP, which led to the filing of EA.No.13 and 14 of 1983 by the respondent herein.

33. Further, upon proper enquiry, the learned Executing Court allowed EA.No.13 and 14 of 1983 *vide* order, dt.19.04.1991, and challenging the order in EA.No.13 of 1983, a revision *vide* CRP.No.2199 of 1991 was filed and challenging the order in EA.No.14 of 1983, Tr.AS.No.469 of 1993 was filed, and both the Civil Revision Petition as well as the Transfer Appeal Suit were dismissed confirming the judgment and decree in EA.No.14 of 1983 in EP.No.5 of 1983 in OS.No.22 of 1962, however CRP filed against the order in EA.No.13 of 1993 was dismissed as infructuous by treating the order as only passed in Tr.AS.No.469 of 1993.

34. It is an admitted fact that during the pendency of the Second Appeal, the respondent herein purchased the suit schedule property from Smt. K. Narsamma, who was his wife and the sole surviving legal heir of Sri K. Lingaiah, the elder brother and 1st plaintiff in O.S.No.22 of 1962, and the learned District Munsiff framed issues regarding ownership, possession, cultivation, and other relevant aspects. After examination of evidence, issues Nos.1

to 3 were decided in favor of both plaintiffs, confirming that the schedule property belonged to both plaintiffs in equal proportion.

35. It is a settled principle under Section 52 of the Transfer of Property Act, 1882, that a *pendente lite* purchaser is bound by the decree in the suit and he steps into the shoes of the vendor and whatever his vendor succeeds will be succeeded by the *pendente lite* purchaser.

36. Further, in ***Thomson Press (India) Ltd vs Nanak Builders & Investrs. P. Ltd & Ors***¹, the Hon'ble Supreme Court held as under:

"It is well settled that the doctrine of lis pendens is a doctrine based on the ground that it is necessary for the administration of justice that the decision of a court in a suit should be binding not only on the litigating parties but on those who derive title pendente lite. The provision of this Section does not indeed annul the conveyance or the transfer otherwise, but to render it subservient to the rights of the parties to a litigation."

37. Further, a perusal of the provisions of Order XXI Rules 97 and 98 CPC emphasize that an objector must be heard before executing the warrant and for better understanding the said provisions are extracted hereunder:

¹ (2013) 5 SCC 397

"Order XXI-**Rule 97. Resistance or obstruction to possession of immovable property—**

- (1) Where the holder of a decree for the possession of immovable property or the purchaser of any such property sold in execution of a decree is resisted or obstructed by any person in obtaining possession of the property, he may make an application to the Court complaining of such resistance or obstruction.
- (2) Where any application is made under sub-rule (1), the Court shall proceed to adjudicate upon the application in accordance with the provisions herein contained.

Rule 98 - Orders after adjudication—

- (1) Upon the determination of the questions referred to in rule 101, the Court shall, in accordance with such determination and subject to the provisions of sub-rule (2),—
 - (a) make an order allowing the application and directing that the applicant be put into the possession of the property or dismissing the application; or
 - (b) pass such other order as, in the circumstances of the case, it may deem fit.
- (2) Where, upon such determination, the Court is satisfied that the resistance or obstruction was occasioned without any just cause by the judgment-debtor or by some other person at his instigation or on his behalf, or by any transferee, where such transfer was made during the pendency of the suit or execution proceeding, it shall direct that the applicant

be put into possession of the property, and where the applicant is still resisted or obstructed in obtaining possession, the Court may also, at the instance of the applicant, order the judgment-debtor, or any person acting at his instigation or on his behalf, to be detained in the civil prison for a term which may extend to thirty days.

38. It is also pertinent to note that the Hon'ble Supreme Court in **Amit Kumar Shaw & Anr. vs Farida Khatoon & Anr.**² held as under:

".....a transferee pendente lite of an interest in immovable property is a representative-in-interest of the party from whom he has acquired that interest. He is entitled to be impleaded in the suit or other proceedings where the transferee pendente lite is made a party to the litigation; he is entitled to be heard in the matter on the merits of the case"

39. Further, in **Thomson Press (India) Ltd vs Nanak Builders & Investrs.P.Ltd & Ors**³ the Hon'ble Supreme Court held that the doctrine of *lis pendense* is a doctrine based on the ground that it is necessary for the administration of justice that the decision of a Court in a suit should be binding not only on the litigating parties but on those who derive title *pendente*

² (2005) 11 SCC 403

³ AIR 2013 SC 2389

lite and it does not annul the transfer, but it renders it subservient, thereby making the *pendent lite* purchaser bound by the result of litigation.

40. Applying these principles, it is relevant to note and reiterate that, as Smt.Narsamma was the sole surviving heir of Sri K.Lingaiah, who was also brought on record in SA.No.122 of 1968 before this Court, and the respondent, being the transferee *pendente lite* purchaser, stepped into her shoes and acquired half of the suit schedule property on the suit attaining finality and the appellants despite having knowledge of the sale, fraudulently refused to implead the respondent herein in the execution proceedings and filed the said EP representing both the plaintiffs i.e., Sri K.Lingiaah and Sri K.Pentaiah, and thus, the Nazir's rejection for consideration of Ex.A1, failure to consider the same by the executing Court and the initial delivery of possession to the appellants, are all contrary to settled legal principles. However, on further application filed under Order XXI Rule 97 & 99 of CPC, the executing Court corrected its mistake and has recognized the same in EA.No.14 of 1983 and directed to redeliver the possession to the respondent.

41. For the above reasons, we are of the considered view that the appellants misrepresented themselves as sole heirs of Sri K. Lingaiah and obtained possession of the entire property, disregarding the respondent's rights. Further, the Nazir, and the executing Court, before whom the respondent made a claim to the suit schedule property also ignored the same and executed the decree without giving an opportunity to the objector.

42. Thus, the executing Court, *vide* order in E.A. No. 14 of 1983, while rightly acknowledging the respondent's entitlement in the schedule property, erred in determining the share of the respondent to the whole of the schedule property, as he is entitled only to half($\frac{1}{2}$) share, i.e., the share of the 1st plaintiff, notwithstanding the fact that he purchased the entire schedule property from defendant No.3 and Smt. K.Narsamma, the legal representative of Sri K. Lingaiah/1st plaintiff, for the reason that the schedule property is also owned and jointly possessed by Sri K.Pentaiah i.e., father of the appellants herein along with Sri K.Lingaiah/1st plaintiff. The learned Single Judge though rightly dismissed the above appeal *vide* order dt.18.03.2002 in Tr.AS.No.469 of 1993, however ought to have restricted the claim

of the respondent to half($\frac{1}{2}$) of the suit schedule property as fallen to the share of Sri K.Lingaiah/plaintiff No.1 only.

43. In view of the above, the instant Letters Patent appeal is partly allowed and the order, dt.18.03.2002 passed in Tr.A.S.No.469 of 1993 as well as the order, dt.19.04.1991, passed in EA.No.14 of 1983, are modified to reflect the respondent's entitlement to half($\frac{1}{2}$) share of the suit schedule property.

44. Accordingly, the executing Court is directed to redeliver possession of half($\frac{1}{2}$) of the suit schedule property to the respondent, representing the share of Sri K.Lingaiah/1st plaintiff, while the balance half shall remain with the appellants, and issue appropriate warrants for clear demarcation and delivery of possession. No costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- K.SRINIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

To,

1. The District Munsiff, Shadnagar District Mahaboobnagar (with records, if any)
2. One CC to Sri Jeeshan Adnan Mahmood, Advocate [OPUC]
3. One CC to Smt. M.S.L.K. Srutha Keerthi Advocate [OPUC]
4. Two CD Copies

VH/KA 

HIGH COURT

DATED: 23/04/2026

JUDGMENT

LPA.No.118 of 2002



PARTLY ALLOWING LPA

WITHOUT COSTS

⑥ NT

23/6/26.