

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No. 841 OF 2013

19.11.2015

Between:

Ashish Kumar Bhaumik,
Hyderabad and another.

... Appellants

And

Pramila,
Warangal District and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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WRIT APPEAL No. 841 OF 2013

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Sri B. Vijaysen Reddy, learned counsel appearing for the appellants; Sri A. Nava Mohan Rao, learned counsel appearing for respondent Nos.1 to 4 and 9 to 12; Sri C.V.R. Rudra Prasad, learned counsel appearing for respondent No.6; learned Government Pleader for Co-operation appearing for respondent Nos.7 and 8 and Sri Avinash Desai, learned counsel appearing for respondent Nos.13 to 17.

Sri B. Vijaysen Reddy, learned counsel appearing for the appellants prays for withdrawal of the writ appeal with liberty to the appellants to approach civil Court for adjudication of their rights in the suit plot/property on the basis of the documents executed by the original owner of the plot M. Laxma Reddy and his niece Ms. K. Shailaja Reddy.

Writ Appeal is disposed of as withdrawn with liberty as prayed.

It is needless to mention that if a suit is instituted by the appellants, concerned civil Court shall consider and deal with the same on merits in accordance with law. If the appellants ultimately succeed in establishing their rights in the suit property, it is open for them to approach the society for seeking transfer of the plot afresh.

We have perused Section 121 of the Andhra Pradesh Co-operative Societies Act, 1964.

Keeping that in view learned counsel for the appellants has made the submission as aforementioned. He made such submission since in a suit for declaration and for other appropriate reliefs, as aforementioned, society need not be a party. It is open to the appellants to file application for interim order, if they so desire and advised, and if any such application is made, the civil Court may consider the same on merits in accordance with law.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

19.11.2015

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