

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

CIVIL MISCELLANEOUS APPEAL Nos. 329 of 2015 and 733 of 2016

Date: 21.09.2016

CIVIL MISCELLANEOUS APPEAL No. 329 of 2015

Between:

Sathagoni Sathaiah Goud,
Nallagandla Village,
Ranga Reddy District, and two others.

.. Appellants

and

Smt. B. Indramma, W/o. B. Yadaiah,
P/o. H.No.3-47, Banglaguda Jagir Village,
Rajendranagar Mandal,
Ranga Reddy District, and others.

.. Respondents

Counsel for the appellants:

Mr. R. Raghunandan, Senior Counsel
For Mr. B.S.N. Naidu

Counsel for respondent Nos.1 & 2:

Mr. A. Sudershan Reddy, Senior Counsel
For Mr. I. Ramesh

Counsel for respondent No.3:

Mr. K. Ravi Mahender

The Court made the following:

COMMON JUDGMENT: *(Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

C.M.A.No.329 of 2015 is filed by respondent Nos.1 to 3 in I.A.No.2092 of 2014 and defendant Nos.1 to 3 in O.S.No.716 of 2014 feeling aggrieved by order dated 17.09.2014 in I.A.No.2092 of 2014 in O.S.No.716 of 2014 on the file of the Special Sessions Judge for SC/ST (POA) Act 1989-cum-VII Additional District & Sessions Judge, L.B. Nagar, Ranga Reddy District. By the said order, the appellants/defendant Nos.1 to 3 were restrained from alienating their 45% share under the development agreement to any third parties.

C.M.A.No.733 of 2016 is filed by the petitioners in I.A.No.2057 of 2014 and the plaintiffs in O.S.No.716 of 2014 feeling aggrieved by the order of the lower Court dismissing the said I.A filed for restraining the defendants from making further constructions over 'A' schedule property.

Both these appeals were heard by this Court on 19.09.2016. During the hearing on that day, Mr. R. Raghunandan, learned Senior Counsel appearing for the appellants in C.M.A.No.329 of 2015 submitted that out of 45% share which his clients are entitled to get out of the developed properties, they may be permitted to sell 25% thereof keeping the remaining unsold pending the suit. Sri A. Sudershan Reddy, learned Senior Counsel appearing for the contesting respondents in the said appeal requested for an adjournment for instructions.

Today, Sri I. Ramesh, learned counsel for the respondents in C.M.A.No.329 of 2015 and the appellants in C.M.A.No.733 of 2016, on instructions from his clients, submitted that they have no objection for the proposal of the learned Senior Counsel as noted above.

In the light of the understanding reached between the parties, as above, order dated 17.09.2014 in I.A.No.2092 of 2014 in O.S.No.716 of 2014 is set aside and the said I.A is dismissed subject to the condition that the appellants/defendant Nos.1 to 3 shall not dispose of 20% of the constructed area out of 45% of their share under the development agreement pending the suit.

C.M.A.No.329 of 2015 is accordingly allowed. Consequently, C.M.A.No.733 of 2016 is dismissed.

As a sequel, C.M.A.M.P.Nos.662 of 2015 and 930 of 2016 in C.M.A.No.329 of 2015 and C.M.A.M.P.No.1493 of 2016 in C.M.A.No.733 of 2016 are disposed of as infructuous.



(C.V.NAGARJUNA REDDY, J)

(G. SHYAM PRASAD, J)

Date: 21.09.2016
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