

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

CMA.No.914 of 2014

Date:04.8.2016

Between:

Pulsari Sakkamma @ Rukkamma

.....Appellant

And:

P.Vishweshwar Reddy,
S/o Late P.Sudharshan Reddy
and 28 others.

....Respondents

Counsel for the appellant: Mr. K.Goverdhan Reddy

Counsel for respondent Nos.1 to 7, 9 to 13, 15 to 17: Mr. Manik Rao

Counsel for respondent No.18: Mr. N.Vasudeva Reddy

Counsel for respondent Nos.19 to 29: Mr. Nageswara Rao Pappu

Counsel for respondent Nos.8 & 14: None appeared

The Court made the following:

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

The Civil Miscellaneous Appeal arises out of order, dated 01.4.2014, in I.A.No.340 of 2013 in O.S.No.705 of 2013 on the file of the learned III Additional District and Sessions Judge at L.B.Nagar, Ranga Reddy District.

We have heard Mr. K.Goverdhan Reddy, learned counsel for the appellants, Mr. Manik Rao, learned counsel for respondent Nos.1 to 7, 9 to 13, 15 and 17, Mr. N.Vasudeva Reddy, learned counsel for respondent No.18 and Mr. Nageswara Rao Pappu, learned counsel for respondent Nos.19 to 29.

The appellant has filed O.S.No.705 of 2013 for partition and allotment of a share to her in the suit schedule properties admeasuring Acs.28.00 cents. It is her pleaded case that she has succeeded to the share of her husband-P.Bhoopal Reddy and that, she is entitled to 1/6th share in the suit schedule property. In the said suit, she has filed I.A.No.340 of 2013 for temporary injunction restraining the respondents from alienating, creating any charge, transferring, mortgaging or changing the nature of the suit schedule property pending the suit. The Court below, upon considering the respective pleas of the parties, dismissed the said application with certain observations.

At the hearing, it has come out that after the filing of the suit by the appellant, her two sisters have been impleaded therein and upon considering their claim, the appellant may be entitled to an extent of about Acs.2.50 cents of land, in the event of her success in the suit.

It is also not in dispute that respondent Nos.1 to 7, 10 to 15 and 17 have entered into certain transactions with respondent No.18 in the years 2006 and 2007 itself, in pursuance of which, they have been developing the lands.

Learned counsel for respondent Nos.1 to 7, 9 to 13 and 15 to 17 submitted that after excluding the land which was given for development, an extent of Acs.2.50 cents of land is still remaining and that, the said respondents will not alienate or alter the nature of the same, pending the suit.

Since, even before the suit was filed, the above-mentioned respondents have entered into transactions, the appellant is not entitled to grant of interim relief in respect of those properties. As an extent of Acs.2.50 cents is still stated to be remaining, respondent Nos.1 to 7, 9 to 13, 15 to 17 are restrained from alienating or in any manner encumbering the said extent of Acs.2.50 cents of land excluding the properties in respect of which already transactions were entered into, pending the suit. It is further directed that the observations made by the Court

below in its order, dated 01.4.2014, in I.A.No.340 of 2013 shall not influence it while disposing of O.S.No.705 of 2013.

The appeal is, accordingly, allowed in part to the extent indicated above.

As a sequel to disposal of the appeal, CMAMP.No.1485 of 2014 filed by the appellant for interim relief is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

04th August 2016
DR