

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

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

C.M.A.No. 397 OF 2016

DATED 11TH AUGUST, 2016

Between:

S.Shanthi @ Salammal

... Appellant

AND

G.Varalakshmi and others

... Respondents

Counsel for the appellant

:

Sri K.Suresh Kumar Reddy

Counsel for the respondents

:

Sri M.Venkata Ramana Reddy

THE COURT MADE THE FOLLOWING

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

This civil miscellaneous appeal arises out of order dated 22-01-2016 in I.A.No. 79 of 2014 in O.S.No. 9 of 2014 on the file of the Court of I Additional District Judge, Chittoor (for short, 'the lower Court').

2. We have heard Sri K.Suresh Kumar Reddy, learned counsel for the appellant, and perused the record. The appellant is the daughter of respondent No. 1 and the sister of respondent Nos. 2 to 9. It is the pleaded case of the appellant that the suit schedule properties are joint family properties and that the grandfather of the appellant has executed a will in favour of respondent No. 2, the eldest grandson of the testator, and that item No. 1 of the suit schedule properties was purportedly sold by respondent No. 2 to respondent No. 7 under registered sale deed in the year 2012. The appellant has pleaded that she is entitled to 1/10th share in all the suit schedule properties including item No. 1 and that respondent No. 7 is seeking to sell the said item of the property including the share of the appellant. On consideration of the respective pleadings of the parties and the material on record, the lower Court has dismissed the I.A. filed by the appellant for injunction. Feeling aggrieved by the said order, the appellant filed this C.M.A.

3. Sri M.Venkata Ramana Reddy, learned counsel for respondent No. 7, fairly admitted that initially, an *interim* order of *status quo* was granted in favour of the appellant. He further submitted that respondent No. 7 has sold a part of item No. 1 of the suit schedule properties to third parties and that he has retained the remaining part of the property with himself. On instructions from his client, he has fairly agreed that to the extent of 1/10th share claimed by the appellant, his client will not sell item No. 1 of the suit schedule properties till disposal of the suit. This submission of learned counsel is placed on record and, accordingly,

respondent No. 7 is restrained from selling 1/10th of item No. 1 of the suit schedule properties to third parties or creating any third party interest over the same till disposal of the suit. The civil miscellaneous appeal is, accordingly, allowed in part.

4. As a sequel to disposal of the civil miscellaneous appeal, C.M.A.M.P.No. 774 of 2016 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

G.SHYAM PRASAD, J.

Date: 11-08-2016.

JSK