

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

CMA NO. 92 OF 2016

Date of Order: 22.6.2017

Between:

Lakudaram Prabhu @ Prabhakar Goud

...Appellant

And

Lakudaram Venkaiah Goud and others

..Respondents

Counsel for appellant
Sriharinath

:

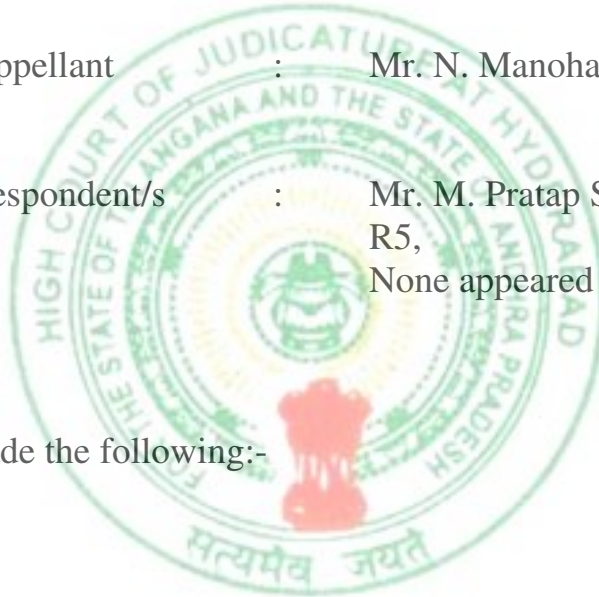
Mr. N. Manohar for Mr. P.

Counsel for respondent/s

:

Mr. M. Pratap Singh for R1 to
R5,
None appeared for R6

The Court made the following:-



THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

CMA NO. 92 OF 2016

ORDER: (Per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

At the interlocutory stage, Civil Miscellaneous Appeal itself is taken up for hearing and being disposed of with the consent of learned counsel for the parties.

We have heard Mr. N. Manohar, learned counsel representing Mr. Palle Sriharinath, counsel for the appellant and Mr. M. Pratap Singh, learned counsel for respondents 1 to 5. No one appeared for respondent No.6.

Plaintiff in O.S.No. 2 of 2015 on the file of the Special Judge for Trial of Offences under SC & ST (POA) Act-cum-V-Addl. District Judge, Medak at Sangareddy was unsuccessful in securing an order of injunction in I.A.No. 27 of 2015 restraining the respondent No.1 from alienating the suit scheduled properties pending the suit. Questioning the order of rejection by the lower Court, he has filed this appeal.

The main plea of the appellant is that he is the natural son of defendant No.1, born to the latter's second wife Kistamma, that the suit schedule properties were the exclusive properties of one Chinna Mallamma, the first wife of respondent No.1 and that during the life time of the said Chinna Mallamma, she had taken the appellant in adoption and that therefore, he is entitled to half share in the suit schedule properties left behind by the said Chinna Mallamma.

Respondents 1 to 4 have denied the plea of adoption. Admittedly no document whatsoever has been filed by the appellant to prima facie prove his plea of adoption. In the absence of any material to substantiate the said plea, the lower court is justified in rejecting the application for injunction, more so when items 1 and 4 of suit schedule property were sold to respondents 5 and 6 in the year 2013 and 2014 respectively. If during the pendency of the suit, the remaining items 2 and 3 of suit schedule property are sold, the interests of the appellant will be protected by the Doctrine of *lis pendens* under Section 52 of the Transfer of Property Act.

Subject to the above observations, this appeal is dismissed.

As a sequel to dismissal of the appeal, CMA MP Nos. 209 and 908 of 2016 are disposed of as infructuous.

Dt.22.6.2017
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C.V.NAGARJUNA REDDY, J

J. UMA DEVI, J