

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

THURSDAY THE SIXTEENTH DAY OF MARCH  
TWO THOUSAND AND SEVENTEEN

PRESENT

**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT  
AND  
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO**

**CMA.No. 1927 OF 2013**

**IN**

**CMA.No. 930 OF 2013**

**AND**

**CMA.No. 930 OF 2013**

Between:

Yellapu Venkata Rao & Ors.

...

Petitioners/Plaintiffs

V/s.

Davuluri Satyavathi & Ors.

...

Respondents/Respondents

Counsel for the Petitioners

: Sri PSR Suresh Kumar

Counsel for the Respondents:

: Sri EVVS. Ravi Kumar

The court made the following:

[Common Order follows]

*HONOURABLE SRI JUSTICE SURESH KUMAR KAIT*  
*AND*  
*HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO*

**CMA.No. 1927 OF 2016**  
**IN**  
**CMA.No. 930 OF 2013**  
**AND**  
**CMA.No. 930 OF 2013**

**COMMON ORDER** : {Per the Hon'ble Sri Justice Suresh Kumar Kait}

This petition is filed by the petitioners/appellants under section 151 of CPC seeking to grant ad-interim injunction against the respondents/defendants from alienating the petition-schedule properties to any third parties or creating any third party interest by way of sale, mortgage, lien, gift etc., pending disposal of the appeal.

2. Admittedly till date, ad-interim injunction has not been granted though the present petition was filed in the year 2013. The main suit is pending before the court below and the same is coming for evidence. As stated by the counsel for the petitioners/appellants, now the suit is for respondents/defendants evidence. Till date the petition-

schedule properties have not been alienated. Moreover, we have gone through the order passed by the trial court. The trial court after taking into consideration the documents; Exs.P-1 to P-15 marked by the petitioners/plaintiffs and Exs.R-1 to R-98 marked by the respondents/defendants has observed that the sale deeds and ULC proceedings reveals that the property claimed by the petitioners through Yellapu Parvatamma @ Atchiayamma, who along with her son sold the property in petition schedule survey number to Pentakota Sriramulu and the ULC authorities in turn declared the petition schedule survey number as excess land of Pentakota Sriramulu.

Therefore, the petitioners have failed to establish their better title and right over the petition schedule property than the respondents over the petition schedule property. The trial court has rightly observed that if the petitioners/plaintiffs succeed in the main suit and in the meanwhile if the defendants alienate

the petition-schedule property, lispendense applies and as such, the petitioners do not suffer any irreparable loss. In view of the above, we are not inclined to grant ad-interim injunction and the petition is accordingly dismissed.

3. Consequently, the main appeal is dismissed. No order as to costs.

4. As a sequel, miscellaneous petitions if any, pending in the main appeal shall stands closed.



JUSTICE SURESH KUMAR KAIT

JUSTICE U. DURGA PRASAD RAO

*HONOURABLE SRI JUSTICE SURESH KUMAR KAIT*  
*AND*  
*HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO*

**CMA.No. 1927 OF 2016**  
**INJUNCTION PETITION DISMISSED**  
**AND**  
**CMA.No. 930 OF 20123**  
**(APPEAL DISMISSED)**

*{Per the Hon'ble Sri Justice Suresh Kumar Kait}*



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