

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

CMA NO. 319 OF 2016

Date of Order: 15.6.2017

Between:

Ellamma and others

...Appellants

And

Nagalla Pochamma and others

..Respondent/s

Counsel for appellants : Mr. C. Chari Preeth

Counsel for respondent/s : Mr. Meherchand Nori

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. 319 of 2016

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

Partly aggrieved by the order dated 8.12.2015 in IA No. 440 of 2015 in O.S.No. 61 of 2015 on the file of the Family Court-cum-VII-Addl. District and Sessions Judge, Medak at Sangareddy, the plaintiffs in the suit filed this appeal.

The appellants filed the aforementioned suit for partition and separate possession of their 1/8<sup>th</sup> share each in A and B suit schedule properties. In the said suit they filed IA No. 440 of 2015 for interim injunction restraining the respondents from alienating the suit schedule properties. The Court below partly allowed the said application by granting interim injunction in respect of items 2 and 3 of suit 'A' schedule property and dismissed the said application as regards items 1 and 4 of suit A schedule property and entire suit B schedule property.

A perusal of the impugned order shows that the lower Court was prima facie satisfied with the plea of the respondents that the items 1 and 4 of suit 'A' schedule property are covered by Inam certificate granted in favour of respondent/defendant No.1 and that the suit 'B' schedule property is the self-acquired property of the respondent/defendant No.1 and it was already sold to respondents/defendants 6 to 9. Having carefully considered the material on record and the reasons given by the lower court in its

order, we do not find any reason to interfere with the order of the lower court. At any rate, doctrine of *lis pendens* contained in Section 52 of the Transfer of Property Act can be applied by the appellants in the event of their success in the suit, if pending the suit any alienations of the properties of items 1 and 4 of suit A schedule property and suit B schedule property are made.

Subject to the above observations, the appeal is dismissed.

As a sequel to dismissal of the appeal, CMAMP No. 625 of 2016 shall stand disposed of as infructuous.

Dt. 15.6.2017  
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JUSTICE C.V.NAGARJUNA REDDY

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JUSTICE J. UMA DEVI

