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

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.80 of 2017

Date: 27.11.2018

Between:

Inder Karan S/o. Late Motilal,
Aged about 72 years,
Occ: Advocate,
R/o.H.No.3-2-338,
Chappal Bazar,
Hyderabad
and four others. … Appellants

And

K.Satish Chandra
S/o.Late Kanyalal,
Aged about 60 years,
Occ: Business,
R/o.H.No.3-2-349,
Chappal Bazar,
Hyderabad
and another. … Respondents

Counsel for the Appellants : Mr. Damodar Mundra

Counsel for the Respondents: Mr.Vedula Srinivas for
Mr.Aadesh Varma for R1 & 2

The Court made the following:

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

This civil miscellaneous appeal is filed against order dated 22.11.2016 in I.A.No.659 of 2016 in O.S.No.290 of 2016 on the file of XI Additional Chief Judge, City Civil Court, Hyderabad.

2. At the hearing, Mr.Damodar Mundra, learned counsel for the appellants/defendants submitted that portion Nos. 5 to 8 (schedule 'B' and 'C' properties) of the suit schedule property fell to the share of one Mrs.Vaidai Bai, the mother of the appellants/defendants and, therefore, the respondents/plaintiffs who are the grandsons of the husband of the said Vaidi Bai, have no right for partition. This submission is not seriously disputed by Mr.Vedula Srinivas, learned senior counsel appearing for the respondents/defendants.

3. As regards portion No.1 (schedule 'A' property), learned counsel for the appellants submitted that his clients have entered into a development agreement with a developer in respect of certain properties, including a part of portion No.1, admeasuring about 1200 to 1500 sq.yds and that his clients will not sell the entire developed property over the said extent in portion No.1.

4. Mr.Vedula Srinivas, learned senior counsel for the respondents/plaintiffs on instructions submitted that the development agreement appears to have been covered by 10 guntas of land in portion No.1, which comes to about 1200 sq.yds and that

his clients have no objection to the offer made by the learned counsel for the appellants/defendants.

5. In the light of the submissions of the learned counsel for both parties as noted above, the civil miscellaneous appeal is disposed of in the following terms:

1. The order of the lower court to the extent of granting injunction against alienation in respect of portion Nos. 5 to 8 is set aside.

2. The undertaking given by the appellants that they will not sell the property developed over portion No.1 of the suit schedule property, is placed on record and they are accordingly restrained from alienating the said developed property.

6. As a sequel to the disposal of the civil miscellaneous appeal, I.A.No.1 of 2017 (C.M.A.M.P.No.135 of 2017) and I.A.No.2 of 2017 (C.M.A.M.P.No.1979 of 2017) are disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

T.AMARNATH GOUD, J

Date: 27th November, 2018

msb

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