

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

AND

THE HON'BLE SRI JUSTICE P.KESHAVA RAO

C.M.A.No.303 of 2018

Date: 01.11.2018

Between:

K.Neelima
D/o.K.Ram Reddy,
Aged about 23 years,
R/o.H.No.3-135/2,
Employees Colony,
Yapral,
Malkajgiri mandal,
Ranga Reddy district.

...

Appellant

And

Joseph Vinod Kumar Harding
S/o.Berbeet William Harding,
Aged about 62 years,
R/o.H.No.3-6-361/5,
Himayatnagar,
Hyderabad
and three others.

...

Respondents

Counsel for the Appellant : Mr. M.Sudheer Kumar

Counsel for the Respondents: Mr. Vedula Srinivas for R1
Mr.Gaddam Srinivas for R2 to 4

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 22.02.2018 in I.A.No.594 of 2017 in O.S.No.802 of 2017 on the file of the XVI Additional District and Sessions Judge-cum-XVI Additional Metropolitan Sessions Judge, Ranga Reddy district at Malkajgiri.

2. The appellant filed the aforementioned suit for declaration of title and recovery of possession of the suit schedule property. She has also filed I.A.No.594 of 2017 in the said suit, for an injunction, restraining the respondents from altering or changing the nature of the property pending the suit. The court below however proceeded on an erroneous premise that the said application is filed for an injunction against alienation of the property and rejected the said relief, mainly on the ground that the appellant's father along with her grand father and others were unsuccessful in L.G.C.No.98 of 1999 on the file of Special Court under A.P. Land Grabbing (Prohibition) Act, Hyderabad.

3. In our opinion, in the absence of specific prayer for injunction against alienation, the appellant is not entitled for such relief. However, as regards the injunction restraining the respondents from altering or changing the nature of the property, even if the respondents do so, the interests of the appellant will not be affected,

as in the event of her success, she may insist on either recovery of the altered structures or even for its removal at the expense of the respondents.

4. In this view of the matter, we do not find any merit in the civil miscellaneous appeal and the same is, accordingly, dismissed.

5. As a sequel to the dismissal of the civil miscellaneous appeal, I.A.No.1 of 2018 stands disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(P.Keshava Rao, J)

Date: 01st November, 2018

msb



