

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD
CIVIL MISCELLANEOUS APPEAL Nos.586 and 625 of 2017
14.11.2018

Between:

N.Siddhartha and another

..Appellants

and

K.Kondal Rao and others

..Respondents

Counsel for the appellants: Mr.Vedula Srinivas

Counsel for respondent Nos.1 and 2: Mr.T.Srikanth Reddy

Counsel for respondent Nos.3 to 6: --

The Court made the following:



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

These Civil Miscellaneous Appeals are filed against common order, dated 24.03.2017, in I.A.Nos.960 and 961 of 2015 in O.S.No.87 of 2015 on the file of learned Judge, Family Court-cum-VII Additional District and Sessions Judge, Medak at Sangareddy.

2. We have heard Mr.Vedula Srinivas, learned counsel for the appellants, and Mr.T.Srikanth Reddy, learned counsel for respondent Nos.1 and 2.

3. The parties are hereinafter referred to as they are arrayed in the suit.

4. O.S.No.87 of 2015 was filed for declaration of title in respect of plaint A schedule property in favour of plaintiff No.1 and in respect of plaint B schedule property in favour of plaintiff No.2 after declaring registered sale deed, dated 25.03.2007, executed by defendant No.1 in favour of defendant No.3 in respect of plaint A schedule property and registered sale deed, dated 25.03.2007, executed by defendant No.1 in favour of defendant No.2 in respect of plaint B schedule property as illegal, *void ab initio* and not

binding on the plaintiffs. The plaintiffs also claimed the reliefs for rectification of wrong entries in the record of rights in pahani adangal for the year 2014 onwards in respect of plaint A and B schedule properties by directing defendant No.6 for deletion of the names of defendant Nos.2 and 3 therefrom and for incorporation of the names of the plaintiffs as pattadars and possessors in respect thereof and also for permanent injunction restraining defendant Nos.1 to 3 from interfering with the plaintiffs' peaceful possession and enjoyment of their respective properties. Along with the suit, the plaintiffs filed I.A.No.960 of 2015 for injunction restraining defendant Nos.1 to 3 from interfering with their peaceful possession and enjoyment of plaint A and B schedule properties and I.A.No.961 of 2015 for injunction restraining defendant Nos.1 to 3 from alienating or creating charge over plaint A and B schedule properties to third parties, pending the suit.

5. Defendant Nos.2 and 3 filed a counter-affidavit in the said I.As. before the Court below claiming their right and title under registered sale deeds

executed by defendant No.1, who claimed right and title under unregistered sale deed. The Court below has, however, *prima facie*, found that as defendant No.1 - the vendor of defendant Nos.2 and 3, claimed title under an unregistered sale deed, he could not have passed legally marketable title to the latter. The Court below also, *prima facie*, did not agree with the plea of the defendants that even before the date on which sale deeds were purportedly executed by Prema Raju and registered in favour of the plaintiffs, Prema Raju, the alleged vender died, by observing that Ex.R-12 - the death certificate produced by the defendants shows that the name of the vendor of defendant No.1 does not tally with the name mentioned in the said certificate. Based on the said findings, the Court below has allowed both the I.As. by the common order under the appeals. Having carefully considered the reasons assigned by the Court below, we do not find any error therein so as to interfere with the well considered common order passed by the Court below.

6. Mr.Vedula Srinivas, learned counsel for the appellants/defendant Nos.2 and 3, has submitted that the suit is ripe for trial.

7. As the injunction orders passed by the Court below are in operation for nearly two years and the suit is ripe for trial, we do not find the elements of balance of convenience and irreparable injury in favour of the appellants.

8. Accordingly, both the Civil Miscellaneous Appeals are dismissed. The Court below is, however, directed to expedite the hearing of O.S.No.87 of 2015 without violating the seniority order while disposing of the suits.

9. As a sequel to dismissal of the C.M.As., I.A.No.1 of 2017 (C.M.A.M.P.No.1108 of 2017) in C.M.A.No.586 of 2017 and I.A.No.1 of 2017 (C.M.A.M.P.No.1025 of 2017) in C.M.A.No.625 of 2017 filed by the appellants for interim reliefs stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

T.AMARNATH GOUD, J

14th November, 2018

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