

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

CIVIL MISCELLANEOUS APPEAL No.926 of 2018

12.09.2018

Between:

B.Yadaiah Goud

..Appellant

and

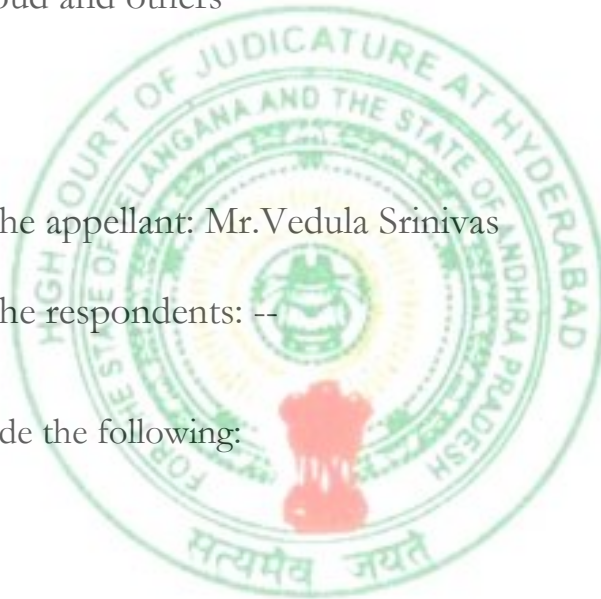
B.Srinivas Goud and others

..Respondents

Counsel for the appellant: Mr.Vedula Srinivas

Counsel for the respondents: --

The Court made the following:



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

This Civil Miscellaneous Appeal arises out of order, dated 19.01.2018, in I.A.No.1561 of 2015 in O.S.No.926 of 2015 on the file of learned II Additional District & Sessions Judge, Ranga Reddy District at L.B.Nagar.

2. We have heard Mr.Vedula Srinivas, learned counsel for the appellant, and perused the record.

3. Respondent Nos.1 to 3, who are none other than the nephews of the appellant filed the aforementioned suit for partition and separate possession of their shares. Some of the suit schedule properties are already sold by the appellant or the father of the plaintiffs, as the case may be, to respondent Nos.4 to 9. The appellant has set up the plea of past partition and pleaded that he had surviving interest only in an extent of Acs.3.00 from out of the suit schedule properties. In support of his plea of earlier partition, the only documents filed by him were pattadar passbooks and title deeds showing his name. The Court below has, however, opined that as the plaintiffs claimed shares in the suit schedule properties, their alienation pending the suit would cause serious prejudice to the interests of the plaintiffs.

4. After hearing the learned counsel for the appellant, we are of the opinion that in the absence of strong *prima facie* proof of previous partition as set up by the appellant, the Court below has properly appreciated the elements of balance of convenience and irreparable injury in favour of respondent Nos.1 to 3 in granting injunction against alienation of the suit schedule properties. Therefore, we do not find any merit in this appeal.

5. The Civil Miscellaneous Appeal is, accordingly, dismissed.

6. As a sequel to dismissal of the Civil Miscellaneous Appeal, I.A.No.1 of 2018 filed by the appellant for interim relief stands dismissed as infructuous.



C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

12th September, 2018

GHN

