

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY  
AND  
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No.74 of 2017

Date: 15.11.2018

**Between:**

B.Pochaiah,  
S/o Late B.Sayyanna  
and seven others.

... Appellants

**And:**

Sardar Jagjit Singh,  
S/o Sardar Sujan Singh  
and 11 others.

... Respondents

Counsel for the appellants: Mr. N.Bhujanga Rao

Counsel for the respondents: Mr. T.Ramachander Rao

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 07.12.2016, in I.A.No.895 of 2015 in O.S.No.1106 of 2015 on the file of the VIII Additional District Judge, Ranga Reddy District at L.B. Nagar.

We have heard the learned counsel for both parties and perused the record.

The appellants filed the afore-mentioned suit for recovery of possession of Ac.0.13 guntas of land forming part of Ac.1.14 guntas in Survey No.108 situated at Mallapur Village, Uppal Mandal, Ranga Reddy District. They have filed the afore-mentioned I.A. for interim injunction restraining the respondents-defendants from altering the nature of the suit schedule property. The lower Court by the afore-mentioned order dismissed the said I.A.

Mr. N.Bhujanga Rao, the learned counsel for the appellants, submitted that if constructions are permitted to be made by the respondents on the suit schedule property, the boundaries may get altered. We are afraid, we cannot accept this submission. Even if constructions are made, it is not possible for the respondents to alter the boundaries unless they raise constructions beyond the boundaries mentioned in the plaint schedule. That is not the pleaded case of the appellants. In any event, the appellants' apprehension is allayed as, on the own showing of the learned

counsel for the appellants, a second Advocate-Commissioner was appointed on 22.12.2017 by the lower Court for demarcating the suit schedule property. No prejudice will be caused to the interests of the appellants even if they succeed in the suit because the Court can always work out the equities, in the event, the constructions are made by the respondents at their own risk and cost.

Subject to the observations made hereinbefore, the Civil Miscellaneous Appeal is dismissed.

As a sequel to dismissal of the Civil Miscellaneous Appeal, IA.No.1 of 2018 filed by the appellants for interim relief is dismissed as infructuous.



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*JUSTICE C.V.NAGARJUNA REDDY*

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*JUSTICE T.AMARNATH GOUD*

*15<sup>th</sup> November, 2018*

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