

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

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

C.M.A.Nos.1001 and 1002 of 2018

Date: 10.10.2018

Between:

M.Vidya Sagar,
S/o.Late M.Gopaiah,
Aged 66 years,
Occ: Business,
R/o.H.No.8-1-398/PM/451,
Paramount Colony,
Toli Chowki,
Hyderabad
and two others.

Appellants

And

T.Shailender Singh,
S/o.Late Arjun Singh,
Aged about 37 years,
Occ: Business,
R/o.H.No.9-3-81, Second Lancer,
Mohammedi Lines,
Golconda,
Hyderabad
and eight others.

Respondents

Counsel for the Appellants : Mr. M.S.Prasad, Senior counsel
for Mrs.B.Satyasri

Counsel for the Respondents: Mr. V.Venkataramana, Senior
counsel for Mr.D.Jagadeshwara Rao
for R1 to R6

The Court made the following:

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

C.M.A.No.1001 of 2018 is filed against order dated 23.06.2018 in I.A.No.887 of 2017, while C.M.A.No.1002 of 2018 is filed against order of even date in I.A.No.491 of 2018 in the common suit, namely, O.S.No.417 of 2017 on the file of the IX Additional Chief Judge, City Civil Court, Hyderabad.

2. We have heard Mr.M.S.Prasad, learned senior counsel for the appellants and Mr.Vedula Venkataramana, learned senior counsel for respondent No.1.

3. Respondent No.1 filed the aforementioned suit *inter alia* for passing of a preliminary decree for partition of the suit schedule property and allotment of 1/12th share to him. He has arrayed the appellants herein as respondent No.6 to 8. In the said suit, he has filed I.A.No.491 of 2018, for granting interim injunction, restraining respondent Nos.6 to 11 from changing the nature of the suit schedule property. He has also filed I.A.No.887 of 2017 to restrain the said respondents from alienating the petition schedule property or creating any encumbrance in the suit schedule property. The court below by the aforementioned orders, granted interim injunctions as prayed for. While respondents No.6 to 8 in the I.As. filed the present appeals, respondent Nos.7 to 9 who are respondents Nos.9 to 11 in the I.As. before the lower court, have filed C.M.A.Nos.884 and 917

of 2018, also assailing the orders which are the subject matter of these appeals.

4. During the hearing, a consensus is reached between Mr.M.S.Prasad, learned senior counsel for the appellants and Mr.Vedula Venkataramana, learned senior counsel for respondent No.1. In so far as the case of the appellants is concerned, it stands on a different footing than that of respondents No.7 to 9, inasmuch as, while the appellants herein are not concerned with Survey Nos.221, 222, 234 and 223, co-related to T.S.Nos.5/2, 5/3 and 11/2, they claim interest in Survey Nos.230, 231 and 232, co-related to T.S.Nos.6/1 and 6/2. Respondents No.7 to 9 have conflict of interests with respondent No.1 in relation to the suit schedule properties. The learned senior counsel for the appellants submitted that while respondent No.1/plaintiff is claiming relief in respect of Survey Nos.221, 222, 223 and 234, which are co-related to T.S.Nos.5/1 and 5/2 in the plaint as well as I.A. schedules, he has shown road as the western boundary of his land, but actually the lands of the appellants in Survey Nos.230, 231 and 232 are situated on the western boundary of the suit schedule lands. Mr.Vedula Venkataramana, learned senior counsel conceded that his clients have no objection if the orders of the lower court are clarified to the effect that they do not apply to the lands in Survey Nos.230, 231 and 232.

5. In the light of consensus reached between the learned senior counsel, both these civil miscellaneous appeals are disposed of, by clarifying that the injunction orders which are the subject matter of these appeals, are confined only to the lands in Survey Nos.221, 222, 223 and 234 co-related to T.S.Nos.5/1 and 5/2 and they do not affect the lands in Survey Nos.230, 231 and 232 co-related to T.S.Nos.6/1 and 6/2, over which the appellants are claiming interest.

6. This order shall however, have no bearing on C.M.A.Nos.884 and 917 of 2018 filed by respondents No.7 to 9, pending before this court.

7. Both the civil miscellaneous appeals are disposed of accordingly.

8. As a sequel to the disposal of the civil miscellaneous appeals, I.A.Nos.1 of 2018 in both these appeals stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad,J)

Date: 10th October, 2018

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