

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Civil Miscellaneous Appeal No.1381 of 2017

Date: 19.09.2018

Between:

G.V.Deepak Rao @ Laxmikantha Rao and 2 others

..Appellants

and

Guduru Veera Nishitha and another

..Respondents

**Counsel for the Appellants: Mr.K.G.Krishna Murthy
for Mr.Alladi Ravinder**

Counsel for respondent No.1: Mr.VSR.Anjaneyulu

Counsel for respondent No.2: Mr.C.Ramesh Sagar

The Court made the following:

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

This Civil Miscellaneous Appeal is filed against Order and Decree, dated 11-12-2017, in IA.No.448 of 2014 in OS.No.43 of 2009 on the file of the I Additional Sessions Judge, Karimnagar.

We have heard Mr.K.G.Krishna Murthy, learned Senior Counsel appearing for Mr.Alladi Ravinder, learned Counsel for the appellants, Mr.V.S.R.Anjaneyulu, learned Counsel for respondent No.1, and Mr.C.Ramesh Sagar, learned Counsel for respondent No.2.

Respondent No.1, who is the daughter of respondent No.2, filed the aforementioned suit for partition and allotment of 1/4th share in the suit schedule properties. The appellants have been seriously resisting the said claim. Pending the suit, the Court below has directed all the parties to maintain *status quo* with respect to the suit schedule properties.

During the hearing, to a query falling from the Bench, Mr.K.G.Krishna Murthy, learned Senior Counsel, submitted that his client is proposing to sell Acs.11-01 guntas in Survey Nos.416, 417, 418, 419, 420, 565, 566 and 567 of Nagnur Village and Acs.6-20 guntas in Survey Nos.113 to 115 of

Bommakal Village. He further submitted that as there are various other properties, which are subject matter of the suit, even if his clients are permitted to sell the aforementioned properties, no prejudice will be caused to the interests of respondent No.1- plaintiff.

Mr.V.S.R.Anjaneyulu and Mr.C.Ramesh Sagar, learned Counsel for the respective respondents, submitted that the property admeasuring Acs.6-20 guntas in Bommakal Village, which is proposed to be sold by the appellants, is subject matter of a Civil Revision Petition arising under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1963, and that therefore, the said property cannot be sold.

Mr.K.G.Krishna Murthy, learned Senior Counsel, has fairly agreed to this submission and stated that his clients will not sell the said property. As regards the other items of the property situated in Nagnur Village, the learned Senior Counsel has fairly offered that the extent of Ac.1-36 guntas in Survey No.420 would not be sold in order to protect the interests of respondent No.1 in the event of her success in the suit.

Mr.C.Ramesh Sagar, learned Counsel for respondent No.2, submitted that as respondent No.2, who is the father of respondent No.1/plaintiff is also entitled to a share, the appellants may be restrained from alienating the land admeasuring Ac.1-27 guntas in Survey No.419 of Nagnur Village. The learned Senior Counsel for the appellants, however, opposed this submission and stated that respondent No.2 is only a defendant in the suit; that he never claimed any share in the suit schedule properties; that he had already sold his share of properties; and that therefore, he is not entitled to allotment of any further share.

In these facts and circumstances of the case, we are of the opinion that as respondent No.1 alone has filed the suit, her interests need to be safeguarded, pending the suit. Accordingly, as agreed by the learned Senior Counsel for the appellants, the extent of Ac.1-36 guntas in Survey No.420 of Nagnur Village shall not be alienated, pending the suit. It is further made clear that except the remaining properties in Nagnur Village, the appellants shall not sell any other item of the suit schedule properties and that the alienation, if any, made by the respondents of the above mentioned suit schedule properties shall be subject to the result of the suit.

The CMA, accordingly, stands disposed of.

As a sequel to disposal of the CMA, IA.Nos.1 of 2017
and 1 of 2018 are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 19th September, 2018
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