

High Court for the State of Telangana

The Hon'ble The Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A. Abhishek Reddy

Civil Miscellaneous Appeal No. 871 of 2019

Date: 30-09-2019

Between:

Manna Venkata Krishna Rao and another

...Appellants

And

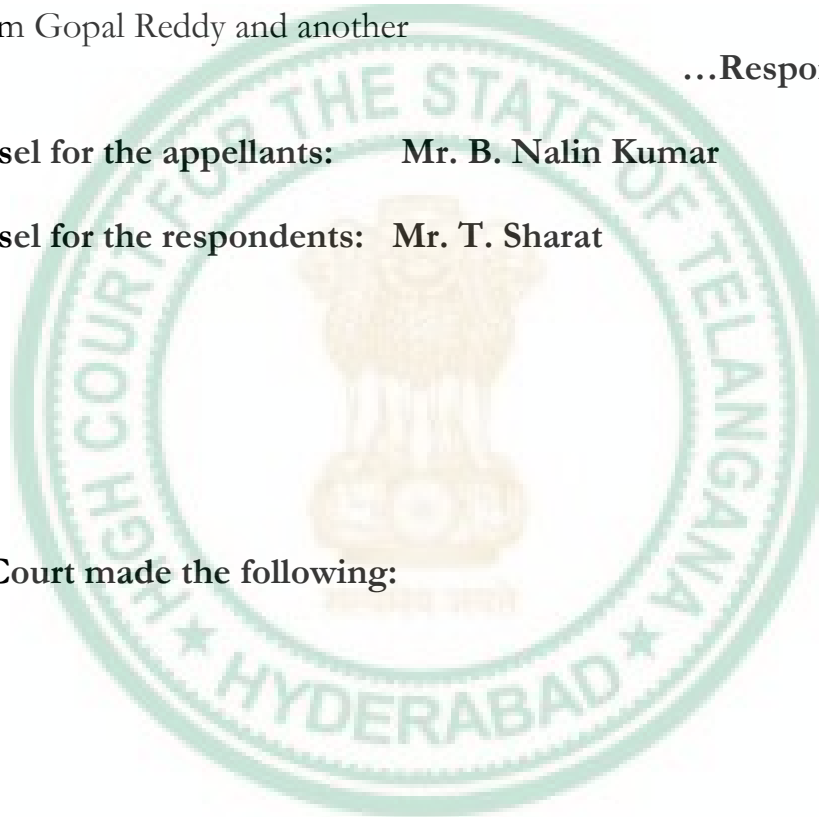
Pasham Gopal Reddy and another

...Respondents

Counsel for the appellants: Mr. B. Nalin Kumar

Counsel for the respondents: Mr. T. Sharat

The Court made the following:



Judgment: (per Hon'ble The Chief Justice Raghvendra Singh Chauhan)

The appellants-plaintiffs have challenged the legality of the order dated 25-07-2019, passed by the Chairman, Motor Accidents Claims Tribunal –cum- II Additional District Judge, Nalgonda at Suryapet, in I.A. No. 839 of 2018 in OS. No. 38 of 2018, whereby the learned Judge has dismissed the application filed by the appellants under Order XXXIX Rules 1 and 2 r/w Section 151 C.P.C., for grant of temporary injunction restraining the respondents from interfering with their possession over the petition schedule property.

Briefly, the facts of the case are that the appellants are the absolute owners of the petition schedule property admeasuring Acs.38-00. According to them, the respondents had requested them to sell the said property @ Rs.8,50,000/- per acre. The respondents offered to pay an amount of Rs.76 lakhs through four different cheques, and the balance amount of Rs.2,67,00,000/- in cash against valid receipts. According to both the parties, the Government value of the entire extent of Acs.38-00 shall be mentioned in the sale deed and not beyond that. Consequently, the respondents issued cheques for Rs.76 lakhs, and the balance amount was to be paid in cash. It is only upon encashment of the cheques that, according to the appellants, the possession of the petition schedule property would be delivered to the respondents. However, after

execution of the sale deed before the Sub-Registrar office *vide* document No.91/2017, the respondents took away the four cheques, which were issued by them to the appellants. Therefore, the appellants filed a suit for cancellation of the sale deed. Along with the suit, they filed an application for grant of temporary injunction, which has been dismissed by the learned Judge by the order impugned. Hence, this appeal before this Court.

Both the learned counsel for the parties are *ad idem* that since the dispute relates to sale of the petition schedule property, the petition schedule property needs to be protected from further alienation or creation of any encumbrances. Therefore, this Court directs both the parties to maintain *status quo* obtaining as of today, *i.e.*, 30-09-2019. The respondents are enjoined from alienating the petition schedule property, and from changing its nature during the pendency of the suit before the learned trial court.

With these directions, the appeal stands disposed of.

As a sequel, miscellaneous petitions, pending if any, stand dismissed as infructuous.

(Raghvendra Singh Chauhan, CJ)

(A. Abhishek Reddy, J)

Dt: 30th September, 2019
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