

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO
AND
THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL NO: 304 OF 2020

Appeal Under Order 43 Rule 1 of Code of Civil Procedure against order dated 20-08-2020 in I.A.No. 294 of 2020 in O.S. No . 70 of 2020 on the file of the Court of the XVI Additional District and Sessions Judge at Malkajgiri Ranga Reddy District.

Between:

1. Dr. Atluri Pallavi, W/o. Dr. Sridhar, Hindu, Aged about 52 years, Occ. Doctor, Flat No. 59/7/17, Viswaroop Residency, Gayatri Nagar, Vijayawada.
2. Smt. Atluri Radhika, W/o. P. Panduranga Rao, Hindu, Aged about 55 years, Occ. Housewife, R/o. Near Milk Chilling Centre, Hanuman junction, Krishna District.
3. Sri. Achanta Srikanth, S/o. A.P. Rao, Hindu, Aged about 50 years, Occ. Employment, R/o. 20211, Apsenwilde Drive, Houston, CY Press, Texas - 77433.
4. Smt. Achanta Bhanu Sri, D/o. A.P. Rao, Hindu, Aged about 56 years, Occ. Employment, R/o. 11, Hillock Woods, The Wood Lands, Texas.

(Appellants No.3 and 4 are being represented by their GPA Holder A.P. RAO, S/o. Late Kotaiah, Hindu, aged about 80 years, Occ. Retd Employee, R/o. 2-2-11/2, DD Colony, OU Road, Hyderabad.)

...APPELLANTS/PLAINTIFFS

AND

Sri. Kesandla Narayana Reddy, S/o. K. Janga Reddy, aged about 66 years, Occ. Agriculture, R/o. Plot No. 158, Balamrai Society, Mahendra Hills, East Marredpally, Secunderabad.

...RESPONDENT/DEFENDANT

IA NO: 2 OF 2020

Application Under Order XXXIX Rules 1 & 2 read with Section 151 CPC praying that in the circumstances stated in the accompanying affidavit, the High Court may be pleased to grant interim injunction against the respondent and his men and persons claiming through him over the suit schedule property in OS No. 70 of 2020 on the file of Honourable XVI Additional District and Sessions Judge, at Malkajgiri, Ranga Reddy District pending disposal of the Civil Miscellaneous Appeal

SCHEDULE OF PROPERTY

All that agricultural land in an extent of Ac. 18.19 situated in Sy.No. 350,351 and 353 of Boomaraspeta, Medchal presently under Shamirpet Mandal, Ranga Reddy District being bonded by:

BOUNDARIES:

NORTH : Land of Captain P. Mohan

SOUTH: Outer Ring Road

EAST : Neighbors Land

WEST: Land of G. Krishna Prasad

Counsel for the Appellant(s):SRI. K V SIMHADRI

Counsel for the Respondent: None Appeared

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

CMA.No.304 of 2020

ORDER:

Heard counsel for the appellants.

2. The essential grievance of the appellants herein is that IA.No.294 of 2020 filed by the appellants in OS.No.70 of 2020 before the XVI Additional District & Sessions Judge, Malkajgiri, Ranga Reddy District was adjourned for a long time by the said Court on 20.08.2020 to 14.09.2020.

3. Counsel for the appellants urges that there is grave urgency in the matter and that the Court below could not have adjourned the matter to such a long date when there is imminent threat of dispossession alleged by the appellants.

4. Though technically this appeal may not be maintained, we are inclined to treat this Appeal as an application under Article 227 of the Constitution of India.

5. Accordingly, we direct the XVI Additional District & Sessions Judge, Malkajgiri, Ranga Reddy District, to either decide the application IA.No.294 of 2020 filed by the appellants in OS.No.70 of 2020 pending before the said Court within one week from today or if there is likely to be more

delay, consider grant of *ex-parte* relief to the petitioner in accordance with law.

6. With the above directions, this application is disposed of. No order as to costs.

7. Consequently, miscellaneous petitions pending if any, shall stand closed.

//TRUE COPY//

B.CHIRANJEEVI
JOINT REGISTRAR
SECTION OFFICER

To,

1. The XVI Additional District and Sessions Judge a Malkajgiri Ranga Reddy District.
2. One CC to SRI. K V SIMHADRI Advocate [OPUC]
3. Two CD Copies



HIGH COURT

MSRJ & TAJ

DATED:01/09/2020

ORDER

CMA.No.304 of 2020



DISPOSING OF THE CMA WITHOUT COSTS

4
CMA
02/9/2020.