

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY, THE TWENTY EIGHTH DAY OF OCTOBER TWO THOUSAND AND
TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

IA No. 1 OF 2020

IN

RECEIVE & TRANSMIT PETITION No. : 7 OF 2020

Between:

1. M.Avinash Yadav, S/o M. Balakrishna Yadav, Aged About 37years , Occ. Business, R/o Flat. No. 5A 600, LodhaBellezza, Near RTO office,KPIIB - IV phase, Hyderabad-500072.
2. M. Arjun, S/o M.Seshagiri Rao Aged About 34 Years, Occ. Business, R/oVessella Villas,Sri Ram nagar colony Kondapur,Botanical Garden Road, Hyderabad-500084

...Plaintiffs/Petitioners

(Petitioners in R&T.P No. 7 and L.A.
No. 1 of 2020)

Plaintiffs in unnumbered OS(SR) No..... of 2020

Sought to be received in the High Court, sought to be presented to
the Court of the XV Addl. District Judge, Kukatpally, Rangareddy District)

AND

1. Mr. Karthik Reddy and another, S/o P. Sainath Reddy, Aged about 36 years, Occ. Business, R/o Villa O:137, Keerthi Richmond Villas, Near Glendale School, SUNCITY, Bandlaguda Jagir, Hyderabad -500086
Also at. H.No.854/B, Road No.44, Jubilee Hills, Hyderabad -500 033.
Ph. + 91- 99492 29999 Email Id . Karthikpadi@gmail.com
2. Mrs. P. Shailaja Reddy, W/o P. Sainath Reddy, Aged about 61 years, Occ. Business, R/O Villa O:137,Keerthi Richmond Villas, Near Glendale School, SUNCITY, BandlagudaJagir, Hyderabad -500086.
Also at. H.No.854/B, Road No.44, Jubilee Hills, Hyderabad -500 033.
Ph. +91- 95506 09999 Email Id . Sainathpadi@gmail.com

... Defendants/ Respondents in R&T. P. No. 7 and

L.A. No. 1 of 2020
(Respondents in-do-)

R&T. Petition No. 7 of 2020

Petition under Section 33 of T.S. Civil Courts Act, praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to receive the suit, and transmit the suit to the court of the XV Additional District Judge, Ranga Reddy Court at Kukatpally;

I.A. No. 1 of 2020

Petition under Order XXXIX Rule 1 and 2 of C.P.C. praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to grant temporary injunction

restraining the Respondents from alienating the property or creating third party interest in the property by entering into any agreement with anyone whatsoever;

This petition coming on for orders, upon perusing the petition and the affidavit filed therein, and upon hearing the arguments of Sri A.V.Siva Karthikeya, Advocate representing Sri Bommineni Vivekananda, Advocate for the Petitioners in both the petitions;

IT IS ORDERED AS FOLLOWS:

1. That the papers bearing unnumbered O.S. (SR). No..... of 2020, sought to be presented to the Court of the XV Addl. District Judge, Rangareddy at Kukatpally, be received in the High Court; and ordered as follows
‘Receive and transmit’.

That the Court further ordered as follows:

This application is filed to grant temporary injunction restraining the respondents from alienating or creating any third party interest in respect of the suit schedule property.

It is the claim of the petitioners/plaintiffs that an oral agreement was entered between the petitioners/plaintiffs and the respondents/defendants for purchasing the suit schedule property for a sale consideration of Rs.11,000/- per square feet, which comes to Rs.8,18,00,000/-, including taxes, and a sum of Rs.3,00,00,000/- was paid as advance, to the defendants.

Sri A.V.Siva Karthikeya, learned counsel representing Sri Bommineni Vivekananda, learned counsel on record for the petitioners/plaintiffs, has drawn the attention of this Court to various receipts filed along with the material papers to show that a sum of Rs.3,00,00,000/- has been paid as advance, out of Rs.8,18,00,000/- to the defendants and the same is admitted by the 1st defendant in Whatsapp message, which is sent by the 1st defendant to one Nithin, who is commonly acquainted to plaintiffs and defendants. It is further submitted that, a complaint was filed before the Inspector, Gachibowli, Hyderabad by the 1st defendant, wherein he admitted that an oral agreement was entered into for sale of 600 square yards plot with 7,100 square feet built up area to the 2nd defendant at Rs.18,000/- per square feet, out of which, Rs.3,00,00,000/- has been paid as advance in the year 2019. Learned counsel also submitted that notice dated 30.08.2020 has been sent through e-mail to the defendants. The 1st defendant has replied to the said e-mail on the same day i.e. 30.08.2020 and the plaintiffs replied to the said e-mail on 01.09.2020.

In the above facts and circumstances, the main dispute between the parties appears to be that the actual sale consideration for the suit schedule property payable by the plaintiffs. According to the plaintiffs the sale consideration is Rs.11,000/- per square feet, and according to the defendants it is Rs.18,000/- per square feet and not Rs.11,000/- per square feet. To the said effect, a legal notice was issued by the plaintiffs on 28.09.2020 to the defendants, but it was returned with an endorsement ‘no such person’.

In this factual background, this Court is inclined to grant *ex parte* ad interim injunction restraining the defendants from alienating or creating any third party interest in respect of the suit schedule property till 16.11.2020 by dispensing with notice under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908. Compliance under Rule (b) thereof shall be made by the plaintiffs within 24 hours.

SD/- M MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Judge, City Civil Court, Hyderabad (in duplicate along with a copy of petition and injunction to serve on respondents and to the return the same to the XV Addl. District Judge, Kukatpally, Rangareddy District)
2. The Pri. District Judge, Rangareddy at L.B.Nagar, Rangareddy (in duplicate along with a copy of petition and injunction to serve on respondents and to the return the same to the XV Addl. District Judge, Kukatpally, Rangareddy District)
3. The XV Addl. District Judge, Kukatpally, Rangareddy District ((By Spl. Messenger along with entire material papers relating to O.S. (SR))
4. Mr. Karthik Reddy and another, S/o P. Sainath Reddy, Aged about 36 years, Occ. Business, R/o Villa O:137, Keerthi Richmond Villas, Near Glendale School, SUNCITY, Bandlaguda Jagir, Hyderabad -500086
Also at. H.No.854/B, Road No.44, Jubilee Hills, Hyderabad -500 033.
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5. Mrs. P. Shailaja Reddy, W/o P. Sainath Reddy, Aged about 61 years, Occ. Business, RIO Villa O:137, Keerthi Richmond Villas, Near Glendale School, SUNCITY, Bandlaguda Jagir, Hyderabad -500086.
Also at. H.No.854/B, Road No.44, Jubilee Hills, Hyderabad -500 033.
Ph. +91- 95506 09999 Email Id . Sainathpadi@gmail.com (Addressees 4 & 5 BY RPAD along with a copy of petition and affidavit)
6. One CC to SRI. BOMMINENI VIVEKANANDA Advocate [OPUC]
7. The Section Officer, Judicial Section, High Court, at Hyderabad.
8. One spare copy

HIGH COURT

BVR,J

DATE: 28-10-2020

ORDER

L.A. NO. 1 OF 2020
AND
R&T P. No. 7 of 2020

INTERIM INJUNCTION



A large, stylized handwritten mark, possibly a signature or a checkmark, written in dark ink.