



A.Nos.478 & 479 of 2022
in C.S.No.166 of 2022

K.KUMARESH BABU,J.

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The suit has been filed seeking partition of the suit schedule property.

The claim of the applicants/ plaintiffs is that the suit schedule property belonging to their mother, who died on 16.04.2021. The applicants/ plaintiffs as well as the respondent are residing in the suit schedule property. The applicants/ plaintiffs are in occupation of the two portions in the 1st floor of the schedule mentioned property and that the respondent/ defendant is in the occupation of the ground floor.

2.The case of the applicants is that, the respondent at the instigation of his wife and other family members are trying to dispose of the portion of the applicants/ plaintiffs, therefore, they have come before this Court by way of a suit and they have also sought for an interim direction.

3.From the adjudications, it is seen that this Court by its order dated 23.12.2022 had recorded that notice has been served on the respondent. However, for giving an opportunity for the appearance of the respondent, the applications were adjourned to 06.01.2023. On 06.01.2023, Mr.V.Ramana Reddy, learned counsel entered appearance on behalf of the sole respondent/ defendant and sought time for filing vakalath and counter in the interim applications. Therefore, the matter was adjourned to 27.01.2023.



4. When the matter was again listed on 27.01.2023, this Court had recorded that there was no representation on behalf of the respondent and therefore, the matter was directed to be listed on 10.02.2023. Again when the matter was listed on 10.02.2023, the learned counsel for the respondent sought time for filing counter. Hence, the applications were adjourned to 24.02.2023. When the matter was again taken up on 24.02.2023 for further hearing, there was no representation for the respondent. Therefore, the matter was directed to be listed on 10.03.2023.

5. When the matter is taken up today, there was no representation on behalf of the respondent. A specific averment has been made in the applications that, they are in possession of the 1st floor of the suit schedule property. This has not been refuted by the respondent either by way of filing a counter, in spite of repeated adjournments being granted to the defendant. Hence, there shall be an order of injunction as prayed for in the applications in O.A.Nos.478 & 479 of 2023 till 12.04.2023.

6. List the case on 12.04.2023.

10.03.2023

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