

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT. JUSTICE P.SREE SUDHA

SECOND APPEAL NO: 286 OF 2011

Appeal Under Section 100 of CPC against the Judgment and decree dated 31-01-2011 in A.S. No. 3 of 2009 on the file of the Court of the II Additional District Judge, Karimnagar at Jagtial confirming judgment and decree dated 20-03-2009 in O.S.No.29 of 2004 on the file of the Court of the Senior Civil Judge, Jagtial

Between:

Pitta Gangadhar, S/o.Railingu Service R/o.Tippanna Village, Jagtial Mandal, Karimnagar District.

...APPELLANT / Defendant

AND

- 1. Chanda Kishan Rao, S/o.Laxman Rao, aged about 54 years, Occ: Service R/o.H.No.7-4-240, Vidhya Nagar, Jagtial, Karimnagar District.**
- 2. Mulasapu Mahesh S/o. Rajanna , aged 31 years, Occ: Household , Thippannapet Village , Jagtial Mandal, Karimnagar District.**

(Respondent No. 2 is impleaded vide Court Order dated 23-03-2022 in I.A.No.2 / 2022)

- 3. Rapella Suresh S/o. Rajaram, aged 48 years, Occ: Business, R/o. H.No.16-83/1 , Ibrahimpatnam Village & Mandal, Jagtial District.**

(Respondent No.3 is impleaded vide Court Order dated 23/03/2022 in I.A. No. 3/ 2022)

...RESPONDENTS

I.A. NO: 1 OF 2011(SAMP. NO: 701 OF 2011)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased grant stay of all further proceedings including EP in OS No.29/2004 on the file of the Senior Civil Judge, Jagtial, pending disposal of the above Second Appeal.

IA NO: 1 OF 2022

Petition under Order 39 Rule 1 & 2 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Pass an order of injunction restraining the Respondent/Appellant and his successor in interest Mulasapu Mahesh from altering the nature of property or alienating the suit schedule property being 0.04 guntas 75 square yards comprised in S.No.75 at Jagtial in any manner.

IA NO: 4 OF 2022

Petition under Order 1 Rule 10 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant an order of injunction pending the appeal, restraining the Appellant and his successors from proceeding with construction on 0.04 guntas 75 square yards comprised in S.No.75 at Jagtial and from alienating the suit schedule property further.

Counsel for the Appellant: SRI K. JAYA KUMAR

Counsel for the Respondent No.1: SRI SATHVIK MAKUNUR

Counsel for the Respondent Nos. 2 & 3: None appeared

The Court delivered the following: Judgment

HONOURABLE SMT. JUSTICE P. SREE SUDHA**SECOND APPEAL No. 286 OF 2011****ORDER:**

Challenging the judgment and decree dated 31-01-2011 passed in A.S.No. 3 of 2009 by the II-Additional District Judge, Karimnagar at Jagtial, confirming the judgment and decree dated 20-03-2009 passed in O.S.No. 29 of 2004 by the Senior Civil Judge, Jagtial, decreeing the suit filed by the plaintiff with costs, declaring him as owner and possessor of plaint schedule land bearing survey No.75 admeasuring 0-04 guntas and 75 sq.yards situated at Jagtial and further decreed to recover possession of plaint schedule property from the defendant by dispossessing the defendant and put into possession by plaintiff into peaceful possession of plaint schedule property within two months, other wise, under due process of law by court and further relief was granted to the plaintiff and issued mandatory injunction directing the defendant to demolish the tin shed and other structures over the plaint schedule land within two months, other wise, under due process of law by the court, the defendant filed this second appeal against the concurrent findings of both the courts below.

2. As per the proceeding sheet, appellant's counsel has not turned up for a long time. Respondent's counsel present. The present second appeal is filed against the concurrent findings of both the courts below. As the appellant counsel is not evincing any interest, the matter was directed to be listed on 11-4-2022 under the caption "for dismissal".

3. Even today also the counsel for the appellant has not turned up in spite of the conditional order and there is no representation when the matter listed today under the caption "for dismissal". The counsel for the respondent/plaintiff is present.

4. The counsel for the respondent/plaintiff submitted that the plaintiff filed the suit for declaration of title and recovery of possession and enjoyment. It was decreed in favour of the plaintiff. The defendant in O.S.No. 29 of 2004 preferred A.S.No.3 of 2009 on the file of the Court of II-Additional District Judge, Jagtial. The learned II-Additional District Judge, Jagtial, after hearing both sides, confirmed the judgment and decree dated 20-03-2009 passed by the Senior Civil Judge, Jagtial, in O.S.No. 29 of 2004. Against the concurrent findings of both the courts below, the defendant has preferred the present second appeal.



5. In view of the above facts and circumstances, this Court has left with no other option but to dismiss this second appeal for non-prosecution.

6. Resultantly, this second appeal stand dismissed for non-prosecution.

No costs.

9. As a sequel, miscellaneous applications pending, if any, shall stand disposed of.

//TRUE COPY//

SD/-K.SRINIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

To,

1. The II Additional District Judge , Karimnagar at Jagtial
2. The Senior Civil Judge, at Jagtial, Karimnagar District.
3. One CC to Sri K. Jaya Kumar, Advocate [OPUC]
4. One CC to Sri Sathvik Makunur, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

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HIGH COURT

ORDER

SA.N.

DATED: 09/06/2022

ORDER

ORDER

SA.No.286 of 2011



DISMISSING THE SECOND APPEAL

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[Signature]
19/09/2022