

HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
HON'BLE SRI JUSTICE J. SREENIVAS RAO

CIVIL MISCELLANEOUS APPEAL No.346 of 2022

Date:17.08.2022

Between:

Vallela Praveena W/o.Jagadesh Reddy,
R/o.Plot No.243, Alkapur Township, Puppalaguda,
Gandipet, Rangareddy, Telangana 500 098

.....Appellant

And

M/s.Worthywish Constructions Pvt. Ltd.,
Having its Registered Office at Villa No.50,
Vajram Aster Homes, Gopanpally Village,
Ranga Reddy District-46, T.S.,
Rep., by its Managing Director,
S/o.Late P.Sathyanarayana,
Aged about 66 yrs, Occu : Business,
R/o.Village No.50, Vajram Aster Homes, Gopanpally Village,
Ranga Reddy District-46, T.S. & others

.....Respondents

The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
HON'BLE SRI JUSTICE J. SREENIVAS RAO

CIVIL MISCELLANEOUS APPEAL No.346 of 2022

JUDGMENT: *(Per Hon'ble Sri Justice P.Naveen Rao)*

Heard Sri A. Venkatesh, learned counsel for the appellant and Sri P. Raja Sripathi Rao, learned counsel for the 1st respondent. Even though notices are served on respondents 2 and 3 no appearance is entered on their behalf.

2. Petitioner claims to own land to an extent of Ac.3.06 guntas and Ac.2.23 guntas (Ac.5.29 guntas) having purchased the same by way of registered sale deed bearing document Nos.3001 and 3002 of 2021 respectively in the office of Tahsildar of Bilkal Village, Marpalle Mandal, Vikarabad District.

3. The 1st respondent entered into an agreement of sale dated 02.11.2020 to purchase Ac.12.20 guntas in Sy.Nos.86/A/1, 87/A/1 of Bilkal Village, Marpalle Mandal, Vikarabad District and also entered into a memorandum of understanding with respondents 2 and 3. It appears some differences arose between the parties compelling the 1st respondent to invoke arbitration clause and file A.O.P.No.2 of 2021 in the Court of XII Additional District Judge, Vikarabad, Ranga Reddy District under Section 9 of the Arbitration and Conciliation Act, 1996 praying to grant interim protection. By order dated 20.10.2021, the learned Judge granted ex parte

injunction order restraining the respondents from alienating or creating 3rd party interest over petition schedule property. The interim order was extended till 27.07.2022 on which date it appears further extended.

4. According to learned counsel for the appellant, though appellant is no way concerned with the inter se disputes between respondents 1 and 2 & 3, the interim order granted is affecting the appellant, even though his land is different from the land purchased by the 1st respondent. According to learned counsel, the averments in the A.O.P. clearly disclose that the 1st respondent is claiming grievance against the land purchased by the appellant and also asserts that he would take appropriate legal action to cancel the sale deeds executed in favour of the appellant. He therefore, submits that the order passed by the trial Court is affecting his rights in enjoying the property purchased even though his land is different from the land claimed to have been purchased by the 1st respondent.

5. Learned counsel for the 1st respondent does not dispute the fact that agreement of sale was entered on 02.11.2020 in different survey numbers as can be seen from the schedule incorporated in the order passed by the trial Court and as can be seen from the sale deed document Nos.3001 and 3002 of 2021 executed in favour of the appellant. Therefore, there is no cause for concern as stated by the appellant in the appeal. It is a vexatious litigation.

6. Both counsel submit that the extent of land claimed to have been purchased by the parties is different, though the total extent of land was owned by the respondents 2 and 3, they are located in different survey numbers. Therefore, there was no cause for concern for the appellant to

institute this appeal. However, in the A.O.P., filed by the 1st respondent, he also refers to the sale transaction entered into by the respondents 2 and 3 in favour of the appellant and expresses his grievance that those sale transactions are not valid.

7. Having regard to this averment in the A.O.P., it cannot be said that the apprehension expressed by the appellant is misplaced. At this stage both counsel agree that if a clarification is issued that the interim order passed by the trial Court is applicable only to the extent of survey numbers mentioned in the schedule appended to the interlocutory order, would suffice.

8. Having regard to this fair submission of both counsel, we make it clear that the interim protection granted in favour of the 1st respondent by the XII Additional District Judge, Vikarabad, Ranga Reddy District in A.O.P.No.2 of 2021 is applicable to land to an extent of Ac.12.20 guntas in Sy.Nos.86/A/1, 87/A/1 of Bilkal Village, Marpalle Mandal, Vikarabad District and not on the land covered by Sale Deed document Nos.3001 and 3002 of 2021.

9. Accordingly, the Civil Miscellaneous Appeal is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

J. SREENIVAS RAO, J

17th August, 2022
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