

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERBAD

**FRIDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION NO: 3503 OF 2023

Petition under Article 227 of the Constitution of India, to allow the CRP by setting aside the order passed in IA No. 783 of 2023 in OS No. 3662 of 2023 dated 31-10-2023 on the file of the XX Junior Civil Judge, City Civil Court at Hyderabad.

Between:

1. Rukmini Bai, W/o Kanyalal Yadav Aged about 61 years, Occ House wife R/o H. No. 14- 1- 557/2/1, Mangalhat, Hyderabad
2. Parvathi Bai, W/o Laxminarayana Yadav aged About 57 years, Occ House wife R/o H. No. 14- 2- 209 Shahinayatgunj, Nampally, Hyderabad.
3. Moti Bai, W/o Shanthilal Yadav Aged 44 years, Occ House wife R/o H. No. 14- 2- 209, Shahinayatgunj Nampally, Hyderabad.
4. Neela Bai, W/o Late Tuljaram Yadav aged about 32 years, Occ House wife R/o H. No. 14- 4- 233, Shahinayatgunj, Begumbazar, Hyderabad.
5. Beejall Bai Yadav, W/o Goverdhanlal Yadav Aged about 44 years, Occ House wife R/o H. No. 14- 5- 111, Baidwadi, Begumbazar, Nampally, Hyderabad
6. Vidya Bai, W/o Dharmaraj Yadav aged about 49 years, Occ House wife R/o H. No. 14- 1- 529/D. Mangalhat, Hyderabad.

...Petitioners/Petitioners/Plaintiffs.

AND

1. Prema Bai, W/o. Dhanraj Yadav R/o. H. No. 14- 1- 126/4, Seetharampet, Hyderabad.
2. B. Saptagiri Vas, S/o S. Bhoomaiah, R/o H. Noi. 14- 1- 126/4/B(Old No. 14- 1- 126/4 Part) Seetharampet, Hyderabad. T. S.
3. The Sub- Registrar, Doodhbowli, Bahadurpura, Hyderabad.

...Respondents/Respondents/Defendants.

...contd.2..

IA NO: 1 OF 2023

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 to direct the 3rd respondent not to register the House property bearing Municipal H. No. 14- 1- 126/4/B (Old 14- 1- 126/4 part) admeasuring 80 Sq. yards situated at Seetharampet, Hyderabad in favour of the 2nd respondent or any third parties if the documents presented by the respondents 1 and 2 for registration before the 3rd respondent in the interest of justice pending disposal of the CRP.

Counsel for the Petitioner : Sri. Mohd Gulam Rasool, Advocate

Counsel for the Respondents:

The Court made the following **ORDER**:

THE HON'BLE SRI JUSTICE P.SAM KOSHY

C.R.P. No. 3503 of 2023

ORDER:

Heard Mr. Mohd. Ghulam Rasool, learned counsel for the petitioners and perused the record.

2. The instant civil revision petition has been filed assailing the common order dated 31.10.2023 passed in I.A.No.783 of 2023 in O.S.No.3662 of 2023 by the learned XX Junior Civil Judge, City Civil Court, Hyderabad.

3. O.S.No.3662 of 2023 has been filed by the petitioners/plaintiffs seeking perpetual injunction. Along with the suit, the petitioners/plaintiff had filed I.A.Nos.782 and 783 of 2023 under Order XXXIX Rule 1 and 2 read with Section 151 of C.P.C. I.A.No.782 of 2023 was filed seeking for temporary injunction and I.A.No.783 of 2023 was filed seeking for a direction to respondent No.3, not to alienate the suit schedule property and not to register the same in favour of any third person. Both these I.As., stand rejected *vide* common order, dated 31.10.2023.

4. Learned counsel for the petitioners submits that so far as the present civil revision petition is concerned, he is aggrieved only by the order passed in I.A.No.783 of 2023.

5. On a query being put to learned counsel for the petitioners as regards whether there is any challenge to I.A.No.782 of 2023 which stands rejected by the same order dated 31.10.2023, he concedes that there has been no challenge to the said order passed in I.A.No.782 of 2023.
6. In the given factual backdrop, the ground reality that emerges is that the Court below has rejected I.A.No.782 of 2023 *vide* the same order dated 31.10.2023 which is not under challenge anywhere.
7. In the teeth of the rejection of the application for temporary injunction i.e., I.A.No.782 of 2023, the Court below could not have allowed the application under Section 151 of C.P.C., passing another order restraining the respondents/defendants from alienating the property or selling the same or registering the same, which in other words would mean that by way of allowing the application, the Court below would be indirectly granting yet another injunction in favour of the plaintiffs.
8. For the aforesaid reasons, this Court is of the considered opinion that no strong case has been made out calling for interference with the impugned order so far as rejection of I.A.No.783 of 2023 is concerned.

9. The Civil Revision Petition thus fails and is accordingly rejected. No order as to costs.

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

SD/- A.V.S. PRASAD
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

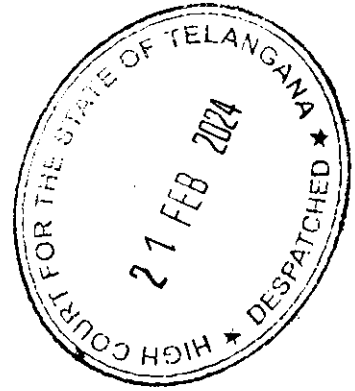
1. The XX Junior Civil Judge, City Civil Court at Hyderabad.
2. The Sub- Registrar, Doodhbowli, Bahadurpura, Hyderabad.
3. One CC to SRI. MOHD GULAM RASOOL Advocate [OPUC]
4. Two CD copies.

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HIGH COURT

DATED:15/12/2023



ORDER

CRP.No.3503 of 2023

CRP is Rejected.

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