

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION NO: 3612 OF 2023

Petition under Article 227 of the Constitution of India, to set aside the order dt. 08-09-2023 passed in IA No. 561/2023 in IA No. 12/2023 in OA No. 1/2023 by the Telengana Endowments Tribunal, Hyderabad.

Between:

1. VADAYALA VIJAY KUMAR, S/o. V. Vittal Rao Aged about 55 years, Occ. Pvt. Employee R/o. H.No. 35-40, G.K. Colony, Near SBI Bank, Neredmet, Malkajiri, Hyderabad-500094
2. SMT. VADAYALA PAVANI, W/o. Vadayala Vijay Kumar Aged about 53 years, Occ. House wife R/o. H.No. 35-40, G.K. Colony, Near SBI Bank, Neredmet, Malkajiri, Hyderabad-500094.

AND

...PETITIONERS/Applicants

1. Smt. Beeki Deva, W/o.Dharavat Devaraj, Aged about 45 years, Occ. Managing Trustee of / Fakir baba mission trust R/o.Flat.No. 11,Badam Apartment, 12-5-55/A, Vijaypuri, Taranaka Secunderabad.

No.4

..Respondent/Petitioner/Proposed Respondent

2. The Commissioner, Department of Endowments, Having its office at. Boggulkunta, Abids, Hyderabad.
3. The Assistant Commissioner, Department of Endowments, Secunderabad District.
4. Sri Fakir Baba Mission Trust, Flat No-11, 12-5-55/A, Badam Apartment, Vijaypuri, Taranaka Secunderabad, Hyderabad, Telangana 500017.

...RESPONDENTS/Respondents

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 stay all further proceedings in OA No. 1/2023 on the file of Telangana Endowments Tribunal, Hyderabad.

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Counsel for the Petitioner : SRI. V VENKATA MAYUR, Advocate

Counsel for the Respondents: None Appeared.

The Court made the following ORDER:

THE HON'BLE SRI JUSTICE P. SAM KOSHY

CIVIL REVISION PETITION No.3612 of 2023

ORDER:

The challenge in the present Civil Revision Petition is the order dated 08.09.2023, passed in I.A.Nos.561 of 2023 in I.A.No.12 of 2023 and 534 of 2023 in O.A.No.1 of 2023 on the file of the Telangana Endowments Tribunal, Hyderabad.

2. Heard Sri V.Venkata Mayur, learned counsel for the petitioners and perused the record.

3. Vide the said impugned order, the Court below has allowed the applications impleading the respondent No.1 herein as necessary party in the injunction application and also in the O.A.

4. Perusal of the record would show that respondent No.1 had moved an application to implead her in the capacity of being one of the Managing Trustees of Fakir Baba Mission Trust who is claiming to be the owner of the suit scheduled property. On the contrary, the contentions of the petitioners herein is that the possession stands vested with the

petitioners by virtue of sale deed executed on 20.03.2021. He further submitted that the petitioner also obtained permission from the GHMC and raised construction in the suit scheduled property for residential purpose.

5. During the pendency of the said dispute, the respondent No.1 had moved an application for impleading as necessary party as a respondent to the dispute, raised by the petitioner. Respondent No.1 stands impleaded in the capacity of Management Trustee of the aforesaid Trust supporting the case of the respondent Fakir Trust.

6. In both the circumstances, interest of the petitioners would not adversely affect in any manner and as such, no serious prejudice also would cause to the petitioners. The present petition under Article 227 of the Constitution of India wherein also the scope of interference is too minimal.

7. In the given facts and circumstances of the case, in the opinion of this Court, the Court below has properly appreciated and considered the contents of the I.As. while passing the impugned order. This Court also does not find

any perversity or error on the part of the Court below in rejecting the implead petition.

8. The present Civil Revision Petition thus being devoid of merits, deserves to be and is accordingly rejected. It is further directed the Court below to make all efforts in proceeding with the suit and decide the same as expeditiously as possible. No costs.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

SD/- P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Telangana Endowments Tribunal, Hyderabad.
2. One CC to SRI. V VENKATA MAYUR Advocate [OPUC]
3. Two CD copies

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HIGH COURT

DATED: 21/12/2023



ORDER

CRP.No.3612 of 2023

CRP is Rejected.

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