

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

**THURSDAY, THE THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE N.TUKARAMJI**

CIVIL MISCELLANEOUS APPEAL NO: 134 OF 2024

Appeal Under Order-XLIII, Rule-1(r) of the CPC against the Order and Decree Dated 06.11.2023 made in IA.No.879 of 2021 in OS.No.169 of 2021 on the file of the Court of the Principal District and Sessions Judge -cum- Family Court, Medchel-Malkajgiri District at Kushaiguda.

Between:

S.Venkat Reddy, S/o Late S.Yadhi Reddy, aged about 43 years, Occ.Business, R/o H.No.1-9-324/112, V.N. Reddy Nagar Colony, Kushaiguda, ECIL, Medchal-Malkajgiri District

...Appellant/Petitioner/Plaintiff

AND

1. Smt Tummapudi Naga Padrna, w/o T.Sridhar Rao, aged about 46 years, Occ. Government employee, R/o Flat No.5204, Block-V, Panchavati Apartment, Pragathi Nagar, Nizampet-500072 Medchal-Malakjgiri District.
2. Sri Appidi Ashok Reddy, s/o A.Lingareddy, aged about 48 years, Occ. Business, H.No.6-108/3, Sri Ramalingeshwara Nagar Colony, Nagaram-501301 Keesara Mandal, Medchal-Malkajgiri Dist.,
3. Sri Ratnapu Jaya Prakash Goud, Son of Ratnapu Janardhan Goud, aged about 50 years, Occ. Business, H.No.11-5-454/2/201, Sri Sai Raghavendra Nilayam, L.B. Nagar Municipal Office, Sri Venkateshwara Colony, Saroornagar, Hyderabad.-500035.

...Respondents/Respondents/Defendants

IA NO: 2 OF 2024

Petition under Order 39 Rule – 1 & 2 R/w 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 pass an order of ad-interim injunction restraining the respondents, their men, servants or persons claiming through them from alienating-or selling the suit schedule property in O.S.No.169 of 2021 on the file of the Court of the Principal District and Sessions Judge-cum-Family Court, Medchal-Malkajgiri District at Malkajgiri, pending disposal of the CMA.No.____2024.

IA NO: 3 OF 2024

Petition under Order – 1 Rule 10 R/w 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 implead respondent No. 4 herein as respondent No. 4 in CMA No 134/2024 and interlocutory applications therein, pending disposal of the CMA No. 134/2024.

Counsel for the Appellant : Sri J Prabhakar representing Ms. Kanumuri Kalyani

Counsel for the Respondents: Sri R Dheeraj Singh

The Court delivered the following: Judgment

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

AND

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CIVIL MISCELLANEOUS APPEAL No.134 of 2024

JUDGMENT: (per Hon'ble Sri Justice P.SAM KOSHY)

The challenge in the present appeal is to the order dated 06.11.2023 passed in I.A.No.879 of 2021 in O.S.No.169 of 2021 by the learned Principal District Sessions Judge, Medchel Malkajgiri District at Kushaiguda.

2. Heard Mr. J.Prabhakar, learned Senior Counsel appearing on behalf of Ms.K.Kalyani, learned counsel for the appellant and Mr. D.Dheeraj Singh, learned counsel for respondents. Perused the material available on record.
3. Vide the impugned order, the Trial Court has dismissed the petition filed under Order 39 Rule 1 & 2 read with Section 151 of CPC by the plaintiffs seeking for *ad* interim injunction against the defendants restraining them from alienating or creating third party interest in respect of the Suit schedule property is concerned.
4. Today, when the matter is taken up for hearing, it has been informed by the learned counsel for the appellant that

subsequent to the dismissal of the petition filed under Order 39 Rule 1 & 2, the defendants have further alienated the property to the proposed 4th respondent.

5. On the previous dated of hearing, we have issued notice. The notice issued have come back with a note that the addressee unclaimed the same, which would amount to proper service. Even the registered notice which was issued to the proposed respondent No.4 shows that the registered notice has been duly served upon the proposed respondent No.4. Even then, there is no representation on behalf of respondent No.4 inspite of proper service. It has been informed by the counsel for the respondents that the suit by now has progressed and has reached to the stage of trial.

6. Given the fact that the suit has reached the stage of trial and the defendants already alienated the suit schedule property to the proposed respondent No.4, we are of the considered opinion that no fruitful purpose would be served in keeping the present Civil Miscellaneous Appeal pending any further, rather it can be disposed of at this juncture holding that since property stands alienated to the proposed respondent No.4, let

respondent No.4 shall not further alienate the property till finalizing of the suit before the trial court.

7. With the aforesaid observation and direction, the present Civil Miscellaneous Appeal stands disposed of. Considering the fact that the suit itself is of the year 2021, subject to the cooperation rendered by all the parties, the trial court is expected to conclude the suit at the earliest. It is further clarified that while deciding the suit, the trial court shall not in any manner get influenced by the order of this Court.

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

//TRUE COPY//

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal District and Sessions Judge -cum- Family Court, Medchel- Malkajgiri District at Kushaiguda
2. One CC to Ms. Kanumuri Kalyani, Advocate [OPUC]
3. One CC to Sri R Dheeraj Singh, Advocate [OPUC]
4. Two CD Copies

ADK/gh

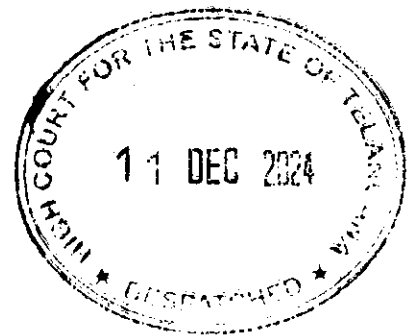
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HIGH COURT

DATED:03/10/2024

JUDGMENT

CMA.No.134 of 2024



DISPOSING OF THE CMA

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