

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

**THURSDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HON'BLE SRI JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE N.TUKARAMJI**

CIVIL MISCELLANEOUS APPEAL NO: 452 OF 2024

Appeal Under Order 43 Rule 1 of C.P.C. aggrieved by the order and decree passed in I.A.No. 881 of 2022 in O.S.No. 724 of 2022 dated 30-04-2024 on the file of XI Additional District Judge, Ranga Reddy District at L.B.Nagar.

Between:

Vadthya Ramulu, S/o Late Jamala, Aged 53 years, Occ. Agriculture, R/o Padamati Thana, H/o Nagaram Village, Maheswaram Mandal, Ranga Reddy District.

...APPELLANT/ Petitioner / Plaintiff

AND

- 1. Smt. Kethalavath Chavli, W/o Late Lingya, Aged 60 years, Occ. Agriculture, R/o H.No. 5-43, Padamati Thanda, H/o Nagaram Village, Maheswaram Mandal, Ranga Reddy District.**
- 2. Kethalavath Laxman, S/o Late Lingya, Aged 42 years, Occ. Agriculture, R/o H.No. 5-43, Padamati Thanda, H/o Nagaram Village, Maheswaram Mandal, Ranga Reddy District.**
- 3. Kethalavath Krishna, S/o Late Lingya, Aged 25 years, Occ. Agriculture, R/o H.No. 5-43, Padamati Thanda, H/o Nagaram Village, Maheswaram Mandal, Ranga Reddy District.**

...RESPONDENTS/ Respondents

IA NO: 1 OF 2024

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 grant temporary injunction restraining the respondents/defendants, his agents, associations and persons claiming through them from interfering with the peaceful possession and enjoyment of the Petitioner/Plaintiff in and over the suit schedule property in O.S.No. 724 of 2022 on the file of XI Additional District Judge, Ranga Reddy District at L.B. Nagar till the disposal of the suit and pass such other or further orders as this Hon'ble Court may deem fit and proper in the interest of justice.

SUIT SCHEDULE OF THE PROPERTY

All that the agricultural land in Sy.No. 194/EE/3/A1 admeasuring Ac. 2.37 guntas and Sy.No. 194/Vu/2/EE/2 admeasuring Ac. 2.03 guntas, total admeasuring Ac. 5.00 gts. situated at Nagaram Village, Maheswaram Mandal, Ranga Reddy District, bounded by:- NORTH . Land belonging to My Homes Groups, Sabavath Kishan, Sabavath Tharya and others. SOUTH . Nagireddypally Village Shivar. EAST . Land belonging to My Homes Groups. WEST . Land belonging to My Homes Groups.

Counsel for the Appellant: SRI. BASETY KARTHIK

Counsel for the Respondents: None appeared

The Court delivered the following JUDGMENT :

THE HON'BLE SRI JUSTICE P.SAM KOSHY

AND

THE HON'BLE SRI JUSTICE N.TUKARAMJI

CIVIL MISCELLANEOUS APPEAL No.452 of 2024

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

Heard Mr.Baseti Karthik, learned counsel for the petitioner.

Perused the material available on record.

2. The present is a civil miscellaneous appeal filed assailing the order dated 30.04.2024 passed in I.A.No.881 of 2022 in O.S.No.724 of 2022 by the XI Additional District & Sessions Judge, at L.B.Nagar, Ranga Reddy District (for short 'the trial court')

3. On the previous occasion i.e., on 03.10.2024 considering the fact that inspite of proper service respondent had not appeared, we had ordered the matter to be listed today. We had also meanwhile directed the parties to maintain status quo in respect of suit schedule property.

4. Today also when the matter is taken up for hearing, there is no representation on behalf of the respondent inspite of the order of status quo being passed.

5. Given the said circumstances, we are of the considered opinion that the respondent seems to be not interested in contesting the appeal.

6. During the course of deliberations, the learned counsel for the appellant submits that the suit has since reached the stage of trial.

7. In view of the same, we do not intend to keep the present civil miscellaneous appeal pending for long. Accordingly, we are inclined to disposed of by ordering that in continuation to the order of status quo passed on 03.10.2024, it is further directed that pending the suit, the respondent shall not try to interfere with the peaceful possession of the suit schedule property by the time the suit is finally decided.

8. With the aforesaid direction, the instant civil miscellaneous appeal stands disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed. No order as to costs.

//TRUE COPY//

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

To

1. The XI Additional District & Sessions Judge at L.B.Nagar, Ranga Reddy District.
2. One CC to SRI. BASETY KARTHIK, Advocate [OPUC]
3. Two CD Copies

kul/gh

HIGH COURT

DATED:28/11/2024

JUDGMENT

CMA.No.452 of 2024



DISPOSING OF THE CMA

WITHOUT COSTS

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29/01/25
bks