

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CIVIL REVISION PETITION NO:2551 and 2561 OF 2025

CIVIL REVISION PETITION NO:2551 of 2025

Petition under Article 227 of the Constitution of India, against the Order Dated 07.02.2025 (wrongly typed dt: 07.02.2024) passed in CMA.No.2 of 2020 on the file of the Court of the III Additional District Judge at Karimnagar in Decree and Order dated 21.11.2019 Passed in I.A.No.18 of 2019 in O.S.No.178 of 2019 on the file of Court of the Judicial Magistrate of First Class (Special Mobile)-cum-III Additional Junior Civil Judge at Karimnagar.

Between:

Akula Malleshham, S/o.Kanakaiah, Aged about 70 years, Occ. Agriculture,
R/o.H.No.6-4-70, Gandhi Chowk, Karkhanagadda Locality, Karimnagar,
Karimnagar District.

...Petitioner/Respondent/Responent/Defendant

AND

Guda Mahender Reddy, S/o.Satyanarayna Reddy, Aged about 48 years, Occ.
Business, R/o.H.No.1-10, Shivaji Nagar, Bommakal Village, Karimnagar
Mandal, Karimnagar District.

...Respondent/Appellant/Petitioner/Plaintiff

IA NO: 2 OF 2025

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 suspend the operation of Decree and Order dated 07/02/2025 in C.M.A.No.2 of 2020 on the file of the court of the III Additional District Judge at Karimnagar which was reversed by the Decree and Order dated 21/11/2019 passed in I.A.No. 18 of 2019 in O.S.No. 178 of 2019 on the file of the Court of the Judicial Magistrate of

First Class (Special Mobile)-cum-III Additional Junior Civil Judge at Karimnagar, pending disposal of the above Revision petition.

Counsel for the Petitioner: SRI VADLAKONDA RAVI KUMAR REDDY

Counsel for the Respondents: SRI B.SHESHU KUMAR

CIVIL REVISION PETITION NO:2561 of 2025

Petition under Article 227 of the Constitution of India, against the Order Dated 07.02.2025 (wrongly typed dt: 07.02.2024) passed in CMA.No.3 of 2020 on the file of the Court of the III Additional District Judge at Karimnagar in Decree and Order dated 21.11.2019 Passed in I.A.No.19 of 2019 in O.S.No.179 of 2019 on the file of Court of the Judicial Magistrate of First Class (Special Mobile)-cum-III Additional Junior Civil Judge at Karimnagar.

Between:

Akula Malleshham, S/o.Kanakaiah, aged about 70 years, Occ. Agriculture, R/o.H.No.6-4-70, Gandhi Chowk, Karkhanagadda Locality, Karimnagar, Karimnagar District.

...Petitioner/Respondent/Respondent/Defendant

AND

Varala Srinivas, S/o.Papaiah, aged about 48 years, Occ. Business, R/o.H.No.2-18/4, Shivaji Nagar, Bmmakal Village, Karimnagar Mandal, Karimnagar District.

...Respondent/Appellant/Petitioner/Plaintiff

IA NO: 2 OF 2025

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 suspend the operation of Decree and Order dated 07-02-2025 in C.M.A.No.3 of 2020 on the file of the court of the III Additional District Judge at Karimnagar which was reversed by the Decree and Order dated 21-11-2019 passed in I.A.No.19 of 2019 in O.S.No.179 of 2019 on the file of the Court of the Judicial Magistrate of First Class (Special Mobile)-cum-III Additional Junior Civil Judge at Karimnagar, pending disposal of the above Revision petition.

Counsel for the Petitioner: SRI VADLAKONDA RAVI KUMAR REDDY

Counsel for the Respondents: SRI B.SHESHU KUMAR

The Court made the following: COMMON ORDER

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CIVIL REVISION PETITION Nos.2551, and 2561 of 2025

COMMON ORDER:

These Civil Revision Petitions have been filed by the petitioner, being aggrieved by the common orders dated 07.02.2025 passed in C.M.A. Nos.2 and 3 of 2020 on the file of the learned III Additional District Judge, Karimnagar.

2. Since the issues involved in both the revisions are intertwined, they are heard together and are being disposed of by way of this common order.

3. Heard Sri Vadlakonda Ravi Kumar Reddy, learned counsel for the petitioner/defendant, and Sri B.Seshu Kumar, learned counsel for the respondent/plaintiff.

4.1. Briefly stated the relevant facts are that C.M.A. No.2 of 2020 was filed against the order dated 21.11.2019 in I.A. No.18 of 2019 in O.S. No.178 of 2019, and C.M.A. No.3 of 2020 was filed against the order dated 21.11.2019 in I.A. No.19 of 2019 in O.S. No.179 of 2019.

4.2. The revision petitioner is the defendant in both suits filed by the respondent/plaintiff seeking perpetual injunction in respect of the suit schedule properties, and the interlocutory applications were filed seeking temporary injunction restraining the petitioner/defendant from interfering with the peaceful possession and enjoyment of the respective properties.

4.3. The schedule properties are described as land in Survey No.78, measuring 603.55 square yards (506.98 sq. meters) and 902.22 square yards (757.86 sq. meters) situated at Bommakal Village, Karimnagar Mandal and District.

4.4. The trial Court, after hearing both sides, held that the issue of title claimed by either party could not be conclusively determined at the interlocutory stage and directed both parties to maintain status quo pending disposal of the suits.

4.5. Aggrieved thereby, the respondent/plaintiffs preferred C.M.A. Nos.2 and 3 of 2020 before the first appellate Court. The learned III Additional District Judge, upon consideration of the record and observing that the Revenue Divisional Officer's proceedings

confirmed the title and possession of the plaintiffs' vendors, *Gali Yakub* and *Gali John*, modified the trial Court's order and granted temporary injunction restraining the defendant from interfering with the plaintiffs' possession. The petitioner/defendant, being aggrieved, preferred the present Civil Revision Petitions.

5.1. Learned counsel for the revision petitioner submits that the first appellate Court erred in concluding that the plaintiffs' vendors were in possession of the property. Such findings, according to him, amount to a prejudgment of the issues that ought to be determined at trial and constitute an excess of jurisdiction.

5.2. He further contends that the appellate Court failed to appreciate the ambiguity concerning the extent of land in the documents relied upon by the respondent/plaintiff, namely Exs.P1, P4, and P5, and ignored the absence of any categorical assertion that the plaintiffs' vendors were in possession of the disputed property. It is urged that the appellate Court did not properly consider the documents filed by the petitioner/defendant and, by drawing conclusions on possession and title, transgressed the

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limited scope of enquiry under Order XXXIX Rules 1 and 2 CPC.

He, therefore, prayed that the impugned orders be set aside.

6.1. Per contra, learned counsel for the respondent/plaintiff submits that the revision petitioner has disputed the extent of the land, and the issue was already adjudicated by the Revenue Divisional Officer (RDO), who confirmed the title and possession of the plaintiffs' vendor over an extent of Ac.2.11 guntas in Survey No.78. The contention that the vendors sold non-existent land has, therefore, been duly rejected in those proceedings.

6.2. He contends that the respondents/plaintiffs are lawful successors in possession of the said land and that the first appellate Court, while relying on documentary evidence and administrative findings, rightly concluded that the plaintiffs were in possession and entitled to protection. As the property in question is open land, and as title and possession stand prima facie established, the appellate Court's order granting temporary injunction is legally sustainable. Accordingly, he prayed for dismissal of the revision petitions.

7. I have perused the material available on record and considered the rival submissions of both learned counsel.

8. It is well settled that for the grant of temporary injunction, the applicant must establish (i) a prima facie case, (ii) balance of convenience in his favour, and (iii) irreparable injury likely to be caused if the injunction is not granted. (*Dalpat Kumar v. Prahlad Singh*, (1992) 1 SCC 719; *Wander Ltd. v. Antox India Pvt. Ltd.*, 1990 Supp SCC 727).

9. In the present case, the respondent/plaintiff has claimed title over Ac.2.11 guntas in Survey No.78, while the schedule property in both suits is shown in square yards, leading to discrepancies in identification and extent. Though the revenue authorities appear to have confirmed title in general terms, no conclusive material has been produced to correlate the specific portions claimed in the suits to the land covered under those proceedings.

10. At this interlocutory stage, the burden lies on the plaintiff to establish prima facie possession and correlation of the schedule property with his title documents. In the absence of such clarity,

and considering the conflicting claims of both parties, it would be inappropriate to draw definitive conclusions regarding possession or ownership.

11. In similar circumstances, the Hon'ble Supreme Court in *Zenit Mataplast Pvt. Ltd. v. State of Maharashtra*, (2009) 10 SCC 388, cautioned that courts must refrain from recording findings on title or possession at the interim stage, as such findings may prejudice the trial.

12. Accordingly, this Court is of the considered view that the proper course would be to direct both parties to maintain *status quo* with respect to the suit schedule properties, so as to preserve the subject matter of the suits pending adjudication. Such an arrangement would balance the equities and protect the rights of both sides without preempting the trial Court's determination on merits.

13. In view of the foregoing discussion, these Civil Revision Petitions are allowed in part, modifying the orders of the Courts below. Both the revision petitioner/defendant and the

respondent/plaintiff are directed to maintain status quo with respect to possession and alienation of the suit schedule properties until disposal of the suits in O.S. Nos.178 and 179 of 2019 on the file of the trial Court. There shall be no order as to costs.

Miscellaneous Petitions, pending if any, shall stand closed.

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

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional District Judge at Karimnagar.
2. The Judicial Magistrate of First Class (Special Mobile)-cum-III Additional Junior Civil Judge at Karimnagar
3. One CC to SRI VADLAKONDA RAVI KUMAR REDDY Advocate [OPUC]
4. One CC to SRI B. SHESHU KUMAR Advocate [OPUC]
5. Two CD Copies

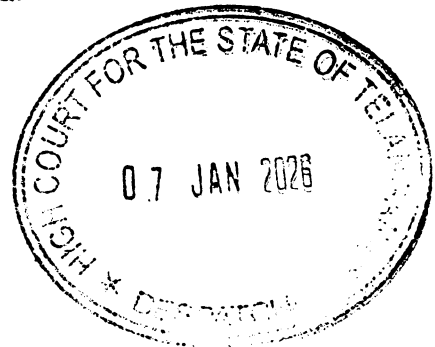
NVB/PSL

HIGH COURT

DATED:14/11/2025

COMMON ORDER

CRP.Nos.2551 and 2561 of 2025



ALLOWING THE BOTH CIVIL REVISION PEITITIONS

⑦MT
9/12/25