

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: A.S.No.350 of 2016

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
	16.06.2026	<u>KL, J & BRMR, J</u> <u>I.A.Nos.4, 5, 6 and 7 of 2016 and 1 of 2021</u> Learned counsel for the petitioners, on instructions, would submit that the petitioners are intending to withdraw the present appeal itself and filed I.A.No.1 of 2026 for withdrawal. Therefore, these applications are dismissed.	
	“	<u>I.A.Nos.4, 5 and 6 of 2025</u> I.A.No.4 of 2025 is filed by petitioner No.2 seeking to condone the delay of 2458 days in filing an application to set aside the abatement caused due to the death of Sri Ch.Narsimha @ Ch.Narsa Reddy/appellant No.1. I.A.No.5 of 2025 is filed by petitioner No.2 seeking to set aside the abatement caused due to the death of Sri Ch.Narsimha @ Ch.Narsa Reddy/appellant No.1. I.A.No.6 of 2025 is filed by petitioner No.2 to implead her as appellant No.9 as legal heir of appellant No.1 in A.S.No.350 of 2016. These applications are filed by petitioner No.2 contending that petitioner No.1/her husband is no more. He died on 26.02.2018. She is the sole legal heir of petitioner No.1 and they have no children. In proof of	

		the same, she has filed a copy of the death certificate issued by GHMC, dated 13.03.2018. During pendency of the present application, petitioner No.2 - Smt.Ch.Anasuya, wife of petitioner No.1 i.e., Ch.Narsimha @ Ch.Narsa Reddy died on 31.12.2025. In proof of the same, learned counsel for the petitioners filed death certificate of petitioner No.2. Learned counsel for the appellants has also filed a memo <i>vide</i> U.S.R.No.66038 of 2026, dated 12.06.2026 stating that both the petitioners died issueless and the other appellants are legal heirs. In light of the same, these applications are ordered. Registry is directed to carry out the necessary amendments. <u>A.S. No.350 of 2016 ALONG WITH</u> <u>I.A. No.1 OF 2026</u> Plaintiffs filed a suit in O.S.No.647 of 2008 against the respondents/defendant for declaration of title and also for perpetual injunction. <i>Vide</i> the impugned Judgment and Decree, dated 05.10.2015 in O.S.No.647 of 2008, learned XI Additional District Judge (FTC), Rangareddy District dismissed the said suit. Aggrieved by the said Judgment and Decree, original plaintiff preferred the present appeal. During the pendency of the present appeal, appellant No.3 and 7 died and his legal heirs were brought on record. During the pendency of the present appeal,	
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	appellant No.1 also died. His wife Smt.Ch.Anasuya filed I.A.Nos.4 to 6 of 2025 seeking to bring her on record as legal heir of appellant No.1. According to the learned counsel for the appellants, even the wife of appellant No.1 died issueless. Therefore, appellant Nos.2, 4, 5, 6 and 8 are their legal heirs. During the pendency of the present appeal, appellants settled the matter with respondent No.1. They have filed I.A.No.1 of 2026 seeking permission to withdraw the present appeal. In the affidavit filed in support of I.A.No.1 of 2026, petitioners specifically contended that respondent Nos.2 to 6 and 8/defendants are claiming right over the suit schedule property from respondent No.1/defendant No.1. Therefore, appellants settled the dispute with respondent No.1/defendant No.1 and also entered into a Memorandum of Understanding, dated 11.05.2026 on the specific terms and conditions mentioned therein. Therefore, they filed I.A.No.1 of 2026 seeking permission to withdraw the appeal, in Vacation Court. <i>Vide</i> order dated 15.05.2026, a Division Bench of Vacation Court allowed the said I.A. permitting the appellants to withdraw the appeal suit and consequently dismissed the appeal as withdrawn. Thereafter, <i>vide</i> order dated 21.05.2026, the Division Bench passed the following order: “This matter was moved as a lunch motion on 14.05.2026 for withdrawal submitting that both the parties have	
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	arrived at a settlement. This Court was pleased to accept the same. However, subsequently before signing the draft order it was noticed that withdrawal of pending cases is not permitted during vacation Court as per the guidelines issued by this Court. Therefore, the matter was directed to be listed today under the caption ‘on being mentioned’. List this mater for hearing on 11.06.2026.” But, due to oversight, the Division Bench did not recall the judgment passed by it on 15.05.2026, while passing the order on 21.05.2026 and directed the matter to be listed on 11.06.2026. Therefore, the said judgment dated 15.05.2026 in the present appeal is recalled. As discussed supra, in the affidavit filed in support of I.A. No.1 of 2026, the appellants stated that they have settled the disputes with respondent No.1 only. There was no representation on behalf of respondent No.1. The said suit is for declaration. We are not inclined to permit the appellants to withdraw the appeal on the aforesaid ground. Thus, I.A. No.1 of 2026 is dismissed. However, Mr. G. Raghupathi Reddy, learned counsel appearing for appellants seeks permission of this Court to withdraw the present appeal. He has also made an endorsement on the bundle to that effect. This appeal suit is accordingly dismissed as withdrawn. KL, J BRMR, J	Pns
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