

Caveat No 24211/09

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT 43/8/09
HYDERABAD

Caveat Petition No. OF 2009

(TO BE FILED)

W.P.NO. OF 2009

BETWEEN:

1. M/s. Modi Venutures
A partnership firm rep. by
Soham Modi, s/o Sri Satish Modi,
Having office at 5-4-187/3 & 4, II Floor,
Soham Mansion, M.G. Road, Secunderabad
2. M/s. Sri Sai Builders,
Rep. by authorized representative
Nareddy Kiran Kumar, s/o Madhusudhan Reddy,
Plot No.275, Venkateswara Nagar, Meerpet,
Moula-ali, Hyderabad-40

CAVEATOR/PETITIONERS

AND

M/s. Gulmohar Gardens Owners Association
Rep. by Secretary
Having office at Survey No.93 to 95, Mallapur,
Hyderabad-500 076

RESPONDENT/RESPONDENT

AFFIDAVIT

I, Soham Modi, s/o Sri Satish Modi, Occ: Business, Having office at 5-4-187/3 & 4, II Floor, Soham Mansion, M.G. Road, Secunderabad, , do hereby solemnly affirm and state on oath as follows;

1. I submit that I am the Caveator herein and authorized representative of the first caveat petitioner as such i am well acquainted with the facts of the case. I am also deposing on behalf of the 2nd petitioner.
2. I submit that the first and the second petitioners are builders and developers of considerable reputation and integrity. I submit that the Petitioners have initially have acquired about Ac 4-00 of land in survey No.93 to 95, Mallapur, Uppal Mandal, Ranga Reddy District, and subsequently acquired to an extent of Ac1-08 guntas in survey No.93 to 95, Mallapur, Uppal Mandal, Ranga Reddy District, and the petitioners have constructed 5 blocks (A-E) in phase one and the petitioners are now

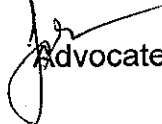
constructing two blocks (F & G) in Phase-II after obtaining construction permission from GHMC.

3. I submit that the respondent association is consisting of residents of the apartments constructed in block A-E and while the petitioners were proceeding with the construction some of the office bearers of the respondent have objected to the same. I submit that the respondent association may file a suit in this Honorable Court against the petitioners and attempt to obtain ex parte ad interim orders.
4. I apprehend that the respondent herein may file Writ Petition making the GHMC as a party and try to obtain ex-parte orders by misrepresenting the facts.
5. I submit that I am filing this caveat petition seeking notice to be issued to the petitioners in the event of the respondent filing Writ Petition against the petitioners seeking notice to be issued to the petitioners before passing of any ex parte ad-interim orders against the petitioners in respect of the land admeasuring Ac 5-08 i.e., Ac 4-00 and Ac 1-08 in survey No.93, 94, 95, Mallapur village, Uppal Mandal, R.R.Dist.,.
3. I submit that I have sent the copy of the Caveat Petition to the respondent by Registered Post Acknowledgement Due as required by the Rules and postal receipt is herewith filed for proof of the same.
6. I submit that I have paid a fixed Court Fee of Rs.10/- Rule 295(5) of Civil Rules of Practice.

It is, therefore, prayed that this Hon'ble Court may be pleased to issue notice, in the event of the respondent filing any Writ Petition against the petitioners in respect of the schedule properties before passing any ex parte ad-interim order/s, to this Petitioners/Caveators or their counsel, M/s. M/s. Vedula Venkata Ramana, Peri Venkata Ramana, Peri Prabhakar, Rasheeda Thabassum, Advocates, having Office at 3-5-801, Hyderguda, Bharatiya Vidya Bhavan Lane, Hyderabad -29 and pass such other order or orders in the interest of justice.

Sworn and signed before me on this the
03rd day of August, 2009, at Hyderabad.

DEPONENT


Advocate

MEMORANDUM OF CAVEAT PETITION
(FILED UNDER SECTION 148-A OF C.P.C.)

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RESPONDENT/RESPONDENT

The address for service of summons, notices, processes, on the above named caveator is that of its Counsel **M/S. VEDULA VENKATARAMANA, PERI PRABHAKAR, (1141) ADVOCATES**, having Office # 16-1-24/1/B, Thrinethra Super Market, Saidabad Colony, Hyderabad - 59

For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue urgent notice to the caveator or his Counsel in the event of the respondents filing the Writ Petition against the petitioners and pass such other order or orders may deem fit and proper in the circumstances of the case in the interest of justice.

Hyderabad

Dated 3-08-2009


COUNSEL FOR THE CAVEATOR

