

2005

IN THE COURT OF THE DISTRICT JUDGE RANGA REDDY
DISTRICT AT LB NAGAR.

IA No. 1649 of 2008
iii

OS No. 555 of 2008

Between:

V.Nagamani & others. ..Petitioners/Plaintiffs

And

V. Rajamani & others. .. Respondents/Defendants

AFFIDAVIT

I, V.Nagamani & others, wife of Laxmana Chary, Aged about 40 years,
occ: House holdR/o 1-1-74, Kapra village, Ward No.1 Srinagar Colony, opp:
Kapra Municipality office Rangareddy District, do hereby solemnly affirm
and state on oath as follows:

1. I am the Petitioner No.1 herein and plaintiff No.1 in the main case, and as such I am well acquainted with the facts of the case from record, and also I am deposing of this affidavit on behalf of the petitioners No.2 and 3 also to do so.
2. It is submitted that the petitioners herein are the daughters of late Sri V.Venkataiah S/o Narasiah, and respondents No.1 is wife and respondents no.2 and 3 are sons of Late Venkataiah.
3. It is submitted that the land bearing in Sy.No. 44 admeasuring 14 guntas, and in Sy.No.45 admeasuring 18 guntas, totally admeasuring 34 guntas situated at Cherlapally village, Ghatkesar Mandal, Rangareddy District, (hereinafter referred to as the suit schedule property and more fully described in the schedule of property) was acquired by late Sri V.Venkataiah during his life time . It is submitted that late Sri Venkataiah got O.R.C. Certificate issued by Revenue Divisional officer, East Division , Rangareddy District, vide proceedings No.J/8502 /1997 dated 30-11-998.

4. It is submitted that upon the demise of late Sri V.Venkataiah, the petitioners and defendants No.1 to 3 have succeeded to the property and inherited $1/6^{\text{th}}$ share each in the schedule of property being the successors and legal heirs of late Sri V.Venkataiah.
5. It is submitted that the petitioners and respondents No.1 to 3 are equally entitled to $1/6^{\text{th}}$ share of the suit schedule property and are in joint possession and enjoyment of the suit schedule property after the demise of late Sri V.Venkataiah. The respondents No.1 to 3 in view of the hike in price of the suit schedule property have been trying to knock away the suit schedule property without giving the petitioners their legitimate $1/6^{\text{th}}$ share in the property knowing the attitude of the respondents No. 1 to 3. The petitioners requested respondents No.1 to 3 on many occasions to partition the suit schedule property by metes and bounds, but the respondents have been evading to do so. The petitioners submit that they are entitled to $1/6^{\text{th}}$ share each in the property and the denial of the respondents of their share, is unjust, illegal and highly improper.
6. It is submitted that the petitioners demanded respondents No.1 to 3 herein to partition the suit schedule property on many occasions but they had given evasive replies on every occasion. The petitioners have finally demanded respondents No. 1 to 3 to partition the property on 20-5-2008 and 5-6-2008, but they had given evasive replies. That respondents No. 1 to 3 instead of partition of the subject lands, have claimed that they are entering into sale agreement with respondents No. 4 to 7 and have been saying that the petitioners have no right over the suit schedule property.
7. It is submitted that the petitioners and respondents No.1 to 3 are entitled to $1/6^{\text{th}}$ share each in the suit schedule property. It is submitted that the petitioners herein have been persistently requesting respondents No. 1 to 3 to partition the schedule of property by metes and bounds, but respondents No. 1 to 3 are not at all co-operating for the same.

8. That the Petitioners made out prima-facie case and the balance of convenience also lies in favour of the petitioners for grant of injunction. That unless this Hon'ble Court be pleased to grant injunction, the petitioners would be put to great hardship and loss.
9. That the petitioners apprehends that the respondents may induct third parties by way of alienation of the property and further create multiplicity of litigation.

It is therefore prayed that this Hon'ble court may be pleased to grant Ad-interim injunction against the respondents restraining them from alienating the petition schedule property to any third parties or creating any charge over the petition schedule property till the disposal of the above suit in the interest of justice and equity.

Sworn and signed before on this the
Day of June 2008 at LB Nagar

Deponent

Advocate/Hyd