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IN THE COURT OF THE SUBORDINATE JUDGE: RANGA REDDY MISHRA  
AT SALOONCHER.

PRESENT: SMT. G. JAI SHREE B. SC., LL.M.,  
SUBORDINATE JUDGE.

FRIDAY THIS THE 26TH DAY OF APRIL, 1985.

I.A. NO. 161 of 1985

in

O.S. NO. 74 of 1985.

Between:

Garudev Sidhappeth.

Petitioner/Plaintiff.

And

1. Varikoppula Narasanna,
2. Varikoppula Lakshman,
3. Varikoppula Yadagiri.

Respondents/Defendants.

This petition coming on before me for final hearing on 25-4-1985 in the presence of Sri C. Balagopal, Advocate for the petitioner, and of Sri L. Narayana Rao, Advocate for the Respondents and after having stood over for consideration till this day the court made the following:-

ORDER.

This I.A. is filed by the petitioner Under Order 39 Rules 1 and 2 CPC for interim injunction restraining the respondents from alienating or making any construction changing the physical features of the suit land.

2. It is alleged in the affidavit filed in support of the petition that the petitioner is the owner of the suit land which is comprised in S.No. 37 and part of Survey No. 38. The land originally belonged to the Sivaiah and ultimately purchased by the petitioner herein and the petitioner and its predecessor-in-title have been in possession of the suit property. But the respondents obtained interim injunction in OS 458 of 1984 on the file of this court against its predecessor-in-title alleging that they are the protected tenants in respect of the suit lands. It is denied that the respondents are in possession of the suit property and it is alleged that the respondents are trying to make constructions changing physical features of the suit land and alienate the same.

the same.

3. In the counter filed by the respondents, it is alleged that they are the protected tenants in respect of the suit lands and the sales in respect of the petitioner are void. It is asserted that they are in possession of the suit land.

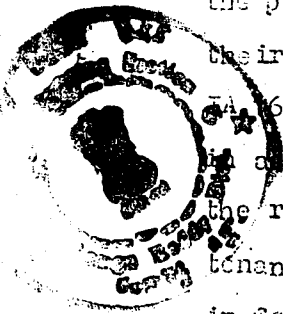
4. Ex. A=1 to A=11 and B-1 to B.4 are considered in this I.A. at the request of both sides.

5. The point for consideration is: Whether the petitioners are entitled to the interim injunction as prayed for?

6. POINT:

The petitioners alleged to be purchaser of the suit land under valid sale deeds, and it is seeking injunction against the respondents herein restraining them from alienating, encumbering or making any construction or otherwise changing the physical features of the suit land. The respondents alleged that they ~~are~~ <sup>are</sup> the protected tenants in respect of the suit land and the sales in favour of the petitioner as void. They filed several documents to show their actual possession on the suit land, and in their order of 14.02.1985 in this suit I held that prima-facie they are in actual possession of the suit land. But according to the respondents themselves ~~that~~ they are only protected tenants in respect of the suit land and the effect of sale in favour of the petitioner and the respective rights of the parties are to be decided only after full fledged trial in the matter. But meanwhile, if the respondents are allowed to alienate or making any constructions over the suit land, the same will cause prejudice to the petitioner

~~to be ultimately decided in the suit~~



if he ultimately succeeds in the suit. In these circumstances, I hold that the balance of convenience lies in granting interim injunction as prayed for against the respondents restraining them from alienating, encumbering or making any constructions on the suit land changing its physical features. Accordingly, I allow this application. In the circumstances, no order as to costs.

Dictated to the shorthand writer, transcribed by him corrected and pronounced by me in open court on this the 26th day of April 1935.

*Gr. Tai Shree*  
SUBORDINATE JUDGE:  
RANGA REDDY.

APPENDIX.

- nil -

*Gr. Tai Shree*  
Subordinate Judge  
R. R. Reddy.

**COURT OF THE DISTRICT**  
**SESSIONS JUDGE**  
Ranga Reddy District

S. No. 1094/05

Application filed on: 21-6-05

Order made on: 2-7-05

Case No. 4176/05 in HO

Order made on: 8-7-05

*[Signature]*

DEAD BY:

COMPARED BY: *[Signature]*

Identified to be Xerox True Copy

*[Signature]*  
District Registrar

