

IN THE COURT OF III JUNIOR CIVIL JUDGE: CITY CIVIL COURT:
AT HYDERABAD.

I.A.No. 1130 OF 2009
IN

O.S.NO. 3287 OF 2009

BETWEEN:

Syed Javed and another

....Petrs/Plaintiffs

AND

Satish Chandra Modi

...Respdt/Defdt.

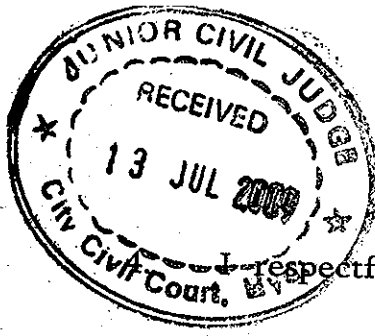
AFFIDAVIT

I, Syed Javed, S/o. S.A. Gani, Aged about 40 years, Occ. : Business, R/o.11-4 -414/1, Red Hills, Hyderabad, do hereby solemnly affirm and sincerely state on oath as follows :

1. I am the petitioner No.1 herein and plaintiff No.1 in the main suit, as such, I am well acquainted with the facts of the case and hence in a fit position to depose this affidavit.
2. I am the tenant in respect of Shop No.46 admeasuring 412 sq. ft in the lower ground floor, building of 21st Century Commercial Complex bearing Municipal No.5-8-112 to 173, situated at Nampally, Hyderabad which is hereinafter referred to as the "Schedule-A property". I obtained the Schedule-A property in the month of November 2001 on a monthly rent of Rs.2,143/- commencing from 16-10-2001 (it was represented that the said figure of 2143 is auspicious to the respondent herein).
3. I submit that the said rent of Rs.2,143/- has been enhanced from time to time as per the wishes of the Respondent and presently the rent payable is Rs.3442/-p.m for schedule - "A" property. I have set up furniture shop in the name and style of "J.K. Enterprises" and is in peaceful physical possession as on today.




5



I respectfully submit that the Petitioner No.2 has obtained the premises bearing Shop No.39 admeasuring 417 sq.ft. in lower ground floor, building of 21st Century Commercial Complex bearing Municipal No.5-8-112 to 173, situated at Nampally, Hyderabad. which is hereinafter referred to as the "Schedule-B property". The Petitioner No.2 has obtained the Schedule-B property in the month of November 2001 on a monthly rent of Rs.2,143/- commencing from 16-10-2001. The petitioner No.2 has set up a furniture shop in the name and style of "S.K. Enterprises" and is in peaceful physical possession of the property as on today.

5. I respectfully submit that the said rent of Rs.2,143/- has been enhanced from time to time as per the wishes of the Respondent and presently the rent payable is Rs.3,442/-p.m. for Schedule-B property.

6. I respectfully submit that it is the practice of the landlord that whenever he thinks fit, he used to come down at the premises of myself and the 2nd petitioner and receive the rents but did not pass the receipts at any point of time.

7. It is submitted that the respondent did not come down to receive the rents for the months of March and April, 2009 and hence we have sent the rents through Money Orders, but as the said Money Orders have also been returned with endorsement "refused", thereafter again we have sent the rents through Money Orders for the months of March 2009 to July 2009 on 13-07-2009. The fate of the said Money Orders have to be known to us.

8. It is respectfully submitted that for convenience, as myself and the 2nd petitioner are brothers, we have been paying rents in common for convenience but no receipts are being issued by the Respondent herein although the premises are separate and tenancies are separate so as the tenancies.

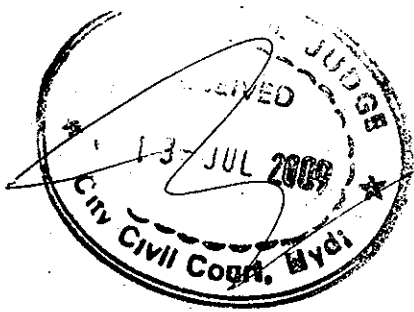
9. It is respectfully submitted that both the premises are governed by A.P. Rent Control Act.

10. It is submitted that the Respondent herein every now and then come to the petition schedule property and disturbing our peaceful physical possession.

11. It is respectfully submitted that as both of us are brothers, we have been mutually doing business in our respective premises.

12. It is respectfully submitted that the Respondent herein came to the petition schedule property along with 10 to 15 anti social elements on 11-07-09 and tried to dispossess us from our respective properties by throwing the goods on the roads, but due to the timely intervention of the neighbours and well-wishers, the Respondent could not succeed. However, the Respondent vanished from the scene threatening us that they will again come down within a week and dispossess us from the petition schedule properties. We tried to lodge a complaint before the concerned police, but the concerned police are not giving any help to us on the pretext that the dispute is civil in nature.



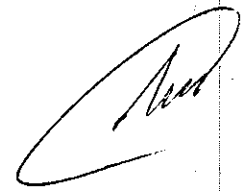


13. I submit that the respondent is bent on dispossessing us by unlawful method in which case we stand to suffer irreparable hardship and loss. I submit that the threat of dispossession is hanging on our heads like a devil's sword. Hence the present suit for perpetual injunction.

14. In this connection, I crave leave of this Hon'ble court to read the contents of the plaint as part and parcel of this affidavit to avoid repetition.

15. I submit that I have strong case in our favour in the above suit and the balance of convenience is also in our favour. If the respondent is permitted to resort to unlawful methods in dispossessing us, we stand to suffer irreparable hardship and loss.

It is, therefore, prayed that this Hon'ble court may be pleased to grant perpetual injunction in favour of the petitioners and against the respondent, restraining the respondent, his men, agents, assignees and all those claiming through or under him from interfering with the peaceful physical possession of the petitioners in respect of the Schedule "A" and "B" properties in the possession of the petitioners 1 and 2 respectively and pass such further or other order or orders that may deem fit and proper in the circumstances of the case.



DEPONENT

Sworn and signed before me on this the
13th day of July, 2009 at Hyderabad.

P. N. S. S. S.
ADVOCATE : HYDERABAD

IN THE COURT OF III JUNIOR CIVIL JUDGE: CITY CIVIL COURT:
AT HYDERABAD.

I.A.No. 1130 OF 2009

IN

O.S.NO. 3287 OF 2009

BETWEEN:

1. Syed Javed, S/o. S.A.Gani
Aged about 40 years, Occ: Business

2. Syed Khalid, S/o. S.A.Gani
Aged about 33 years, Occ: Business

Both R/o.11-4-414/1, Red Hills, Hyderabad.

... Petrs./Plaintiffs

A N D

Satish Chandra Modi, S/o.Late Manilal C Modi
Aged about 62 years, Occ: Business

R/o.Plot No.280, Road No.25, Jubilee Hills
Hyderabad.

... Respdt/Defendant

PETITION FILED UNDER ORDER XXXIX RULE 1 & 2 OF CPC

For the reasons stated in the accompanying affidavit, the petitioners herein pray that this Hon'ble court may be pleased to grant temporary injunction in favour of the petitioners and against the respondent, restraining the respondent, his men, agents, assignees and all those claiming through or under him from interfering with the peaceful physical possession of the petitioners in respect of the Schedule "A" and "B" properties in the possession of the petitioners 1 and 2 respectively till the disposal of the main suit and pass such further or other order or orders that may deem fit and proper in the circumstances of the case.

SCHEDULE - A PROPERTY

All that part and parcel of portion of Shop bearing No.46 admeasuring 412 sq.ft. situated at lower Ground Floor, 21st Century Commercial Complex bearing Premises No.5-8-112 to 173, Nampally, Hyderabad, bounded by :

NORTH	:	Passage
SOUTH	:	Shop No.47
EAST :	:	passage
WEST	:	Shop No.39

SCHEDULE - B PROPERTY

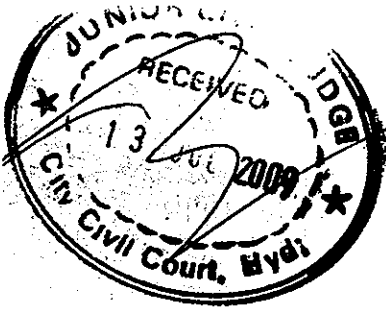
All that part and parcel of portion of Shop bearing No.39 admeasuring 417 sq.ft. situated at lower Ground Floor, 21st Century Commercial Complex bearing Premises No.5-8-112 to 173, Nampally, Hyderabad, bounded by :

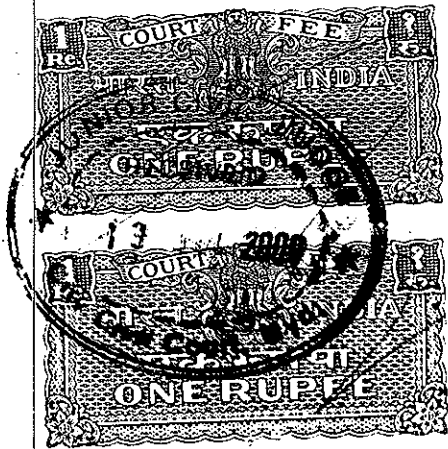
NORTH	:	Passage
SOUTH	:	Shop No.38
EAST	:	Passage
WEST	:	Shop No. 46

Suman Sani

COUNSEL FOR PETITIONERS

HYDERABAD
DT. 13-07-2009





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PETITION FILED UNDER ORDER
XXXIX RULE 1 & 2 OF CPC

FILED ON : 13/12/09

FILED BY :

M/s. Sharad Sanghi & Associates,
Advocates,
302, Vansh Towers,
Mahesh Nagar Colony,
Nampally Station Road,
Hyderabad
Counsel for Petitioners