IN THE COURT OF PRINCIPAL SESSIONS JUDGE :: JANGAON

PRESENT: SMT. B. PRATHIMA

Prl. District Judge

Jangaon

Wednesday, the 18th day of March, 2026

Civil Miscellaneous Appeal No.2 of 2026

Between:

1. Banoth Somla S/o Uma, Age: 50 years, Occ: Agriculture,

2. Banoth Venkatesh S/o Hema, Age: 38 years, Occ: Pvt. Employee, R/o Adavikeshapur Village of Jangaon Mandal, Jangaon District. Presently R/o H.No:12-1-1119/204, Indira Nagar, North Lalaguda, Secunderabad.

3. Banoth Roop Singh S/o Hema, Age: 49 years, Occ: Govt. Employee,

4. Banoth Man Singh S/o Hema, Age: 47 years, Occ: Railway Employee,

5. Banoth Anjan Kumar S/o Hanmanthu, Age: 35 years, Occ: Pvt. Employee,

6. Banoth Dhan Singh S/o Hema, Age: 45 years, Occ: Govt. Employee,

7. Banoth Krishna S/o Hema, Age: 43 years, Occ: Govt. Employee,

8. Banoth Sattavva W/o Hanumanthu, Age: 48 years, Occ: Household,

All are R/o Adavikeshapur Village of Jangaon Mandal, Jangaon District.

Appellants/Defendants

AND

Banoth Jamuna W/o Krishna, Age: 40 years, Occ: Agriculture, R/o Adavikeshapur Village of Jangaon Mandal, Jangaon.

Respondent/Plaintiff

Aggrieved by the Order and Decree dated 19.01.2026 in IA 663 of 2025 in OS 447 of 2025 passed by the Principal Junior Civil Judge, Jangaon

Between:

Banoth Jamuna

…Petitioner/Plaintiff

AND

1. Banoth Somla
2. Banoth Venkatesh
3. Banoth Roop Singh
4. Banoth Man Singh
5. Banoth Anjan Kumar
6. Banoth Dhan Singh
7. Banoth Krishna
8. Banoth Sattavva

Respondents/Defendants

This CMA having come before me for final hearing in the presence of **Sri. D. Hariprasad Yadav,** Advocate for the Appellants/Defendants and of **Sri Bhanoth Dharma Biksham,** Advocate for Respondent/Plaintiff and the matter having stood over for consideration till this day, the Court made the following:

-: O R D E R :-

1.1 The unsuccessful Respondents/Defendants in IA 663/2025 in OS 477/2025 preferred this Civil Miscellaneous Appeal challenging the Order and Decree dt.19.01.2026 in said IA passed by the Principal Junior Civil Judge, Jangaon seeking to set aside the Order in said IA 663/2025 in OS 477/2025 and to Dismiss said IA.

1.2. IA 663/2025 in OS 477/2025 was filed by petitioner/plaintiff in the suit seeking the relief of Temporary injunction restraining the respondents/defendants and their men from interfering in the peaceful possession and enjoyment of the petitioner/plaintiff over the suit schedule property. Said petition was Allowed.

1.3. Parties are hereinafter referred as they were arrayed before the Trial Court in IA 663/2025 in OS 477/2025.

2. Brief pleadings of both sides in IA 663/2025 in OS 477/2025 are as follows:

Petition Averments in brief:

3.1 Deponent of the affidavit filed in support of the petition is plaintiff in the suit. Petitioner is absolute owner and possessor of agricultural land admeasuring Ac 01-25 Gt in Sy. No.72/B/3, which she acquired by way of gift deed Doct. No. 10537/2019 dt.22.07.2019 from her husband. Petitioner applied for mutation. After due enquiry, revenue officials issued patta pass book vide No.T23060040546, Khata No.60183. Petitioner's husband Banoth Krishna purchased above said agricultural land through simple sale deed in the year 1985 and he applied for mutation in the revenue authority. Revenue authorities after due enquiry issued patta pass book vide Patta No.261 in the name of Banoth Krishna.

3.2 On 07.07.2025, R2 cut teak and neem trees and took away the same in support of other respondents in above said land of petitioner. Petitioner lodged complaint against respondents and after enquiry forest officer registered a case. R2 admitted the same, paid fine amount of Rs.48,710/-. On 02.09.2025, respondents No.1 and 2 tried to occupy petitioner's land and break her boundary stones for which petitioner lodged complaint and a case in Crime No.495/2025 was registered U/S 329(3), 324(4) r/w 3(5) BNS.

3.3 Petitioner is in peaceful possession and enjoyment of petition schedule land as absolute owner and possessor without any body's interference. Respondents do not possess any right, title or interest over the petition schedule land and they are

strangers. Even though, respondents trespassed into land of petitioner on 20.11.2025, they are coming again and obstructing petitioner's possession over the suit land with false claims. Respondents came to petition schedule land on 20.11.2025 and made futile attempts to occupy the petition schedule land. Respondents threatened to occupy the suit land. Petitioner is unable to protect his possession. Hence, the petition.

Counter Averments of Respondents:

4.1 Deponent of the affidavit filed in support of petition is R2 in the suit. Counter is filed on behalf of other respondents also. It is denied that petitioner is absolute owner and possessor of Ac 01-25 Gt in Sy. No.72/B/3 and that she obtained the same by way of gift deed from her husband Banoth Krishna. The boundaries mentioned in the petition are fictitious and imaginary. All other petition averments are denied. Petitioner is not having any trees in her land. R2 intending to prepare new doors to his house, cut his teak and neem trees, which are located in his own land, keeping grudge against R2. Petitioner informed the same to Forest department and Forest department registered a complaint alleging that R2 without prior permission cut down the trees.

4.2 Petitioner is not having any legal possession over the suit property. Boundaries mentioned are wrong and imaginary boundaries. Petitioner obtained Ex parte Ad-interim injunction order and after obtaining ex parte ad-interim injunction order, is making efforts to occupy the agricultural land of respondents. The boundaries in the gift deed and boundaries in the petition schedule which are detailed in the petition are different. Petitioner is intentionally shifting her land location by changing her gift deed mentioned boundaries and by mentioning boundaries of land of R2. Petitioner's gift deed mentions Sy.Nos as 72/B/3, 73/B/3, 74/A/2, 75/B/3, 90/A/1/3, 90/B/3 and 91/B/1/3, but all the said survey numbers are not abutting each other. Sy. No.90 and 91 are located far away from other survey numbers.

4.3 R2 is absolute owner and possessor of Ac 03-10 Gt in Sy. No.72/B, having acquired said land from his father by way of registered Gift deed Doct. No.1804/2018 dt.27.02.2018. From his father's period, R2 is enjoying said land without any interruption. Father of R2 acquired said land by way of purchase from previous owner Komirelly Narsaiah. Said land was recorded in the name of father of R2 as possessor for the year 1995-96 to 2009. In the year 2009, revenue authorities after due enquiry issued patta pass book vide Khata No.242 proceedings No.C/200/2009. After said land was gifted in favor of R2, R2's name was recorded as pattadar and he was issued patta passbook cum title deed No.T23110091268 in his favor vide Khata No.60073 on 06.09.2023.

4.4 On 07.07.2025, while R2 was preparing his land for planting seasonal crop and the work was going on, petitioner along with active support of Banoth Dharmabiksham along with some anti social elements came there and damaged the boundary stones of R2's land. R2 and his family members with the help of neighboring land owners protected his possession. Petitioner along with anti social elements on 28.07.2025 tried to encroach into land of R2. R2 and his family members and his neighboring land owners defended their activities. R2 approached police Jangaon and lodged complaint. Police did not register the case.

4.5 The henchmen of petitioner Banoth Dharmabiksham and his father by name Kishan are politicians and realtors of the society and with their instigation, petitioner is trying to occupy the land of R2. Petitioner and her henchmen again came to land of R2 on 27.11.2025 and tried to remove the boundary stone and again on 14.12.2025, petitioner and his henchmen tried to dispossess R2 from his land. R2 filed suit for perpetual injunction vide OS 500/2025 on the file of Addl. Junior Civil Judge, Jangaon. Petitioner is not having any physical possession over the suit land. Petitioner

and her henchmen by name Banoth Jyothi Bass filed Caveat with boundaries of R2 which was numbered as 137/2025 dt.10.12.2025. Due to caveat, urgent notice was issued to petitioner and her henchmen. Petitioner suppressed all material facts and filed the case. Hence, the petition may be dismissed.

5. During the course of enquiry before the trial court, petitioner got marked Ex.P1 to P23 and respondents got marked Ex.R1 to R18.

6. Learned Trial Judge framed the following point for consideration -

Whether the petitioner has established a prima facie case, balance of convenience and likelihood of irreparable injury so far as to entitle her to temporary injunction under Order XXXIX Rules 1 & 2 CPC?

7.1 Learned Trial Judge after appreciating the facts pleaded in the pleadings of both sides and the documentary evidence exhibited by both sides, on prima facie possession of petitioner over the suit schedule land as on the date of filing the suit, observed that *Ex.P1 Registered gift deed, Ex.P2 and P3 Patta pass books, Ex.P4 to P11 Revenue record including pahanies, 1-B Namoona and Ex.P22 Crop cultivation certificate of petition schedule land consistently stand in the name of petitioner in respect of Ac 01-25 Gt in Sy. No.72/B/3, though the revenue records are not documents of title, they are relevant for deciding the possession, at this interlocutory stage, continuity of revenue entries in favor of petitioner establishes prima facie case of possession over the petition schedule land.*

7.2 On the plea of R2, learned Trial Judge observed that *Ex.R2 asserts independent ownership and possession in Ac 03-10 Gt in Sy. No.72/B under Ex.R2, the extent of land claimed by R2 is different from that of petition schedule land and the dispute regarding boundaries are triable issues which require to be decided upon detailed*

evidence through trial and at this interlocutory stage, court cannot conduct any trial, that the petitioner's document show prima facie identity of land with reference to different survey number and extent, that petitioner also produced Ex.P12 Preliminary offence report of Forest Department and Ex.P22 Crop Cultivation Certificate dt.29.08.2025 reflecting the name of petitioner/plaintiff in respect of petition schedule land, that Ex.P23 is copy of panchanama dt.22.11.2025 which leads to support of her assertion that respondents' attempted to interfere with petition schedule land and such proceedings though not determinative of civil rights, indicate existence of a genuine dispute and interference by the respondents over the petition schedule land.

7.3 Regarding balance of convenience being in favor of petitioner, learned trial judge observed that *petitioner is claiming settled possession over petition schedule land and produced documentary evidence in support of the same, if injunction is refused, there is likelihood of disturbance to the existing state of affairs leading to multiplicity of proceedings and granting temporary injunction would preserve possession and do not cause any prejudice to the respondents, the threat alleged by the petitioner appears imminent and hence, denial of injunction would cause irreparable injury to the petitioner.* With Such and other observations, learned Trial Judge Allowed the petition and granted temporary injunction against the respondents/defendants.

8. Aggrieved by the Impugned Order dt.19.01.2026 in IA 663 of 2025 in OS No.477 of 2025, respondents filed this CMA with the following grounds:

Grounds of Appeal:

1. The Order and Decree of the learned Principal Junior Civil Judge, Jangaon is contrary to law, weight of evidence and probabilities of the case.

2. Learned Trial Judge allowed the petition on the reason that " with regard to the balance of convenience, the petitioner/plaintiff claims settled possession over the petition schedule land and has produced documentary evidence to support the same", "The respondent's contention regarding discrepancy in boundaries cannot be exclusively adjudicated at this stage". The above reasons are wholly unsound and totally erroneous in law and facts.

3. Trial Court failed to consider that the suit is for the relief of injunction and respondent/plaintiff has to prove his title and possession with lawful document without deviation of boundaries or suppression of facts and cannot depend on weakness in the case of respondents/defendants.

4. Trial Court failed to consider the documents submitted by the respondents/defendants. Trial court failed to verify the mentioned Survey number under Ex.B12 complaint given by petitioner/plaintiff before the police, Jangaon dt.24.09.2025, where she alleged that respondents/defendants No.1 and 2 cut the neem and teak trees on 02.07.2025 located in Sy. No.72/B, but petitioner/plaintiff is not having any land in Sy. No.72/B and she got land in Sy. No.72/B/3 and Sy. No.72/B exclusively belongs to respondents/defendants no.1 and 2.

5. At this interlocutory stage, petitioner/plaintiff has to show prima facie identity of land with reference to the survey numbers and extent.

6. Petitioner/plaintiff changed the suit boundaries contrary to her own gift and showed imaginary and non-existent boundaries, which do not tally with her own document.

7. Court cannot grant injunction ignoring variance between pleadings and title deed. Trial court failed to compare the suit schedule with gift deed, which variance strikes at the root of plaintiff's case and disentitles her to equitable relief.

8. R2 cut Neem and Teak trees in her own land for house construction and petitioner/plaintiff did not lodge any police complaint alleging trespass or illegal cutting on the alleged date. Absence of police complaint clearly shows no interference or threat to plaintiff's possession.

9. The Forest Department proceedings are irrelevant to civil possession. Forest Department action under Valta (sic WALTA Act)/Forest Act is statutory and independent. Imposition of fine by forest officals does not determine Civil title or possession.

10. Trial Court gravely erred in treating forest proceedings as proof against respondents. Plaintiff faild to prove possession as on the date of filing the suit. Mere filing of gift deed without possession proof is insufficient.

11. Trial Court failed to assess the balance of convenience. Respondents are long-standing possessors of their land, where as petitioner/plaintiff attempted to encroach by changing boundaries. Trial court granted injunction without recording satisfaction on the essential ingredient, irreparable loss and plaintiff suppressed material facts and approached the court with unclean hands.

12. The impugned Order of the trial court violates the mandatory requirements of prima facie case, balance of convenience, irreparable loss and the same is to be set-aside.

9. I have heard arguments on behalf of both sides. Learned counsel for respondents/defendants argued on the lines of Grounds of Appeal. Learned counsel for petitioner/plaintiff submitted that there are no grounds to interfere with the impugned order of the learned Trial Judge and sought to dismiss the CMA.

10. The points that arise for determination in this CMA are -

1. Whether the Trial Court failed to appreciate the pleadings and the documentary evidence in the right perspective?

2. Whether the impugned order dt.19.01.2026 in IA 663/2025 in in OS 477/2025 passed by the Principal Junior Civil Judge, Jangaon is sustainable and if said IA is to be dismissed?

3. To what relief ?

11. No additional evidence is adduced by either of the parties in this CMA.

Points No.1 & 2:

12. According to petitioner, she is absolute owner and possessor of Ac 01-25 Gt in Sy. No.72/B/3 within the given boundaries, that she acquired said agricultural land by way of registered Gift deed Doct. No.10537/2019 dt.22.07.2019 from her husband Banoth Krishna, that her husband purchased said agricultural land through simple sale deed in the year 1985, he was issued patta pass book vide Patta No.261, that petitioner's name was also mutated in the revenue records and she was issued Pass book No.T23060040546 Khata No.60183.

13. Petitioner further contended that on 07.07.2025, R2 cut teak and neem trees and took away the same in above said land of petitioner with support of other respondents, that she lodged complaint against R2, that after due enquiry, forest officer registered a case U/S 24 (3) and (4) of TS WALTA Act 2004, R2 admitted the same and paid fine amount of Rs.48,710/-, that R1 and R2 tried to occupy her land and damaged the boundary stones, she lodged police complaint which was registered as FIR No.495/2025 U/S 329(3), 324(4) r/w 3(5) BNS, that respondents without right, title or interest are trying to encroach upon petition schedule land and as such, she filed the suit and the petition seeking indulgence of this court to protect her possession.

14. Per contra, respondents filed counter totally denying the claim of the petitioner. R2 contend that petitioner is not having any land within the given boundaries mentioned in the petition schedule land, that petitioner showed wrong and imaginative boundaries and obtained Ad-interim injunction order against respondents, that after obtaining Ad-interim injunction order, petitioner is making attempts to occupy the land of respondents. Respondents further pleaded that petitioner is not having any teak or neem trees and hence the question of cutting the same does not arise. R2 pleaded that he intended to prepare new doors to his house, he cut his teak and neem trees

which are located in his own land, but due to grudges against R2, petitioner and her hench men informed the same to Forest Department to register case against R2 under WALTA Act on the ground that R2 cut down the trees without prior permission. Thus, R2 denied the title and possession of petitioner over the disputed suit land.

15. It is seen that petitioner set up title and possession over the suit land under Ex.P1 registered gift deed, where as, respondents denied the title and possession of the petitioner and claimed that petitioner gave imaginary boundaries, that it is the land of R2. R2 also denied the very identity of petition schedule land.

16. In view of above rival contentions, as it is the petitioner who approached the court seeking the equitable relief of temporary injunction and as respondents disputed the very identity of petition schedule land, burden is only on the petitioner to prove her case and she cannot depend on any weakness in the case of respondents. To be entitled for the relief of temporary injunction, petitioner shall establish that -

- The suit land is clearly identifiable on ground in reference to its Sy. No., extent and boundaries.
- Petitioner got prima facie case and is in prima facie possession over the suit schedule property as on the date of filing of the suit.
- The balance of convenience is in favour of the petitioner.
- In the event of declining the relief of temporary injunction, petitioner will suffer irreparable loss and injury which cannot be compensated in terms of money.
- Prior to filing the suit, respondents infringed with or threatened to infringe with the right of the petitioner to peacefully possess and enjoy the suit property.

17. For better appreciation of the disputed property, description of the same given in the suit schedule is extracted here under:

Schedule

All that dry/Wet land of Ac 01-25 Gt in Sy. No.72/B/3 located at Adavikeshapur Village, Jangaon Mandal & Dt. bounded by -

East	*:*	*Kodimala Siddulu & Pandadi*
West	*:*	*Narmetta to Jangaon Main Road.*
North	*:*	*Kodimala Yellamma land and Panadi.*
South	*:*	*Jyothi Boss land.*

18. In support of her case, petitioner got marked Ex.P1 to P23 and respondents got marked Ex.R1 to R18. Ex.P1 is Registered Gift deed Doct. No.10537/2019 dt. 22.07.2019. The Donor is Banoth Kistu @ Krishna and Donee is Banoth Jamuna. Thus, as per this document, husband gifted the property to his wife. The property gifted under this document is Ac 01-25 Gt in Sy. No.72/B/3, Ac 00-04 ½ Gt in Sy. No.73/B/3, Ac 00-03 Gt in Sy. No.74/A/2, Ac 00-03 Gt in Sy. No.75/B/3, Ac 00-21 Gt in Sy. No.90/A/1/3/ఆ, Ac 01-00 Gt in Sy. No.90/B/3, Ac 00-29 ½ Gt in Sy. No.91/B/1/3, total Ac 04-06 Gt.

19. From the above description of the property, it is seen that petitioner is claiming land in 7 sub-divisions of different survey numbers, but claim that they are located in one compact block within the given boundaries. It is seen that Ex.P1 registered gift deed does not contain any location map showing the location of land in each of the 7 different survey numbers. Evidently, of the land in 7 different survey numbers allegedly gifted in favor of petitioner, petitioner filed the present suit in respect of only Ac 01-25 Gt in Sy. No.72/B/3. It is seen from the boundaries given in the gift deed,

the total gifted land Ac 04-06 Gt in 7 different survey numbers is shown to be located in one compact block.

20. This court observes that if the boundaries given in Ex.P1 Gift deed are assumed to be correct, the petition schedule land of Ac 01-25 Gt in Sy. No.72/B/3, should have the remaining land of petitioner on atleast one of the 4 boundaries. However, the description of the petition schedule land extracted above shows that the remaining land of petitioner is not shown on any direction. Thus, there is flaw in the case of petitioner as to the location and identity of petition schedule land.

21. Ex.P2 is Patta pass book-cum-title deed vide pass book No.T23060040546, Khata No.60183 dt.30.12.2019, showing petitioner as pattadar of Ac 04-06 Gt of land in 7 sub-divisions of different survey numbers. Petitioner is shown to have acquired said lands including Ac 01-25 Gt in Sy. No.72/B/3 under registered gift deed

22. Ex.B3 is Patta pass book of Banoth Kistu @ Krishna vide Patta No.261 dt. 20.07.1998. As per this patta pass book, Banoth Kistu is shown as pattadar of lands in Sy. No.72/B and 6 other sub-divisions. No endorsement is recorded across these survey numbers as to how Bantoh Kistu got said lands. Evidently, petitioner claims that her husband purchased said lands under simple sale deed. Petitioner also got marked Ex.P12 to P17 as 13-A proceedings and other documents relating to regularization of simple sale deed transaction of petitioner's husband Banothu Kistu.

23. Ex.B4 is Specimen copy of 1-B ROR in the name of Banoth Jamuna, apparently prepared basing on Ex.P1 registered gift deed.

24. Ex.B5 is Bhu-Bharathi record showing petitioner as pattadar of Ac 01-25 Gt in Sy. No.72/B/3.

25. Ex.P6 is 1-B Namuna ROR of the year 2019 dt.14.02.2020, showing petitioner as pattadar of Ac 01-25 Gt in Sy. No.72/B/3 and 6 other survey numbers which are mentioned in her gift deed.

26. Ex.P7 is True copy of pahani for the year 2000-01, showing Ac.01-25 Gt in Sy. No.72/B/3 in the name of Banoth Kistu as pattadar and possessor. The important aspect to be noted is that by this pahani of the year 2000-01, Sy. No.72 is shown to be sub-divided into Sy. No.72/A which is again sub-divided into 9 sub-divisions in different extents and Sy. No.72/B which is again sub-divided into 72/B1, 72/B2 and 72/B3. It appears that Sy. No.73 is also sub-divided into 73/A1, 73/A2, 73/A3 and 73/B1 etc.,

27. Ex.P8 is True copy of pahani for the year 2002-03, which gives the same particulars as in Ex.P7.

28. Ex.P9 is True copy of pahani for the year 2004-05, which gives the same particulars as in Ex.P7. Ex.P9 also gives particulars of Sy. No.73/A/1, 73/A/2, 73/A/3, 73/B/1, 73/B/2, 73/B/3, 73/C/1, 73/C/2, 73/C/3.

29. Ex.P10, P11 are True copies of pahanies for the years 2005-06, 2009-10 respectively, which give the same particulars as in Ex.P9. The above pahanies show that Sy. No.72 was sub-divided into more than 10 sub-divisions and similar is the case with Sy. No.73. However, Banoth Kistu S/o Hari Chandu said to be husband of petitioner is shown to be pattadar and possessor of Ac 01-25 Gt in Sy. No.72/B/3 from the year 2000-01.

30. Ex.P18 is filed as Mutation Entry record in Form-7 registered in the name of Banoth Kistu.

31. Ex.P14 is filed as 13(A) Namuna, where under the simple transaction dt.05.05.1985 in respect of Ac 03-10 Gt in Sy. No.72/B, Ac 00-08 ½ Gt in Sy. No.73/B, Ac 00-06 Gt in Sy. No.74/A, Ac 00-05 Gt in Sy. No.75/B, Ac 02-23 ½ Gt in Sy. No.90/A, Ac 02-00 Gt in Sy. No.90/B, Ac 01-19 Gt in Sy. No.91/B, total Ac 09-32 Gt, was sought to be regularized in favor of purchasers (1) Balu and (2) Kistu, sons of Banoth Hari Chandru.

32. Ex.P15 is Check memo in the file, as per which, the simple sale deed is dt.05.05.1985, the vendor is Komrelly Raji Reddy and the property sold is same as in Ex.P14.

33. Ex.P16 is Form-10 where under mutation was ordered from the name of Komrelly Raji Reddy S/o Malla Reddy to the names of Banothu Balu and Kistu Sons of Hari Chandru in respect of lands mentioned in Ex.P14.

34. Ex.P17 are three challan copies said to be in respect of payment of stamp duty and other charges towards regularization of the simple sale deed.

35. Ex.P18 is Form-7 extract. Reference is given as Ex.P16 proceedings and it is seen that the extents in the given survey numbers are equally divided between Balu and Kistu and each got a total Ac 04-36 Gt in different survey numbers. From the manner in which each brother is shown to have acquired equal extents in atleast 7 (seven) survey numbers, it is not possible to locate the share of each brother in one compact block. Further more, petitioner claimed suit land as land acquired from her husband. It is seen that not one boundary is shown as land of her husband Krishna or of her brother in law Banothu Balu. It is for the petitioner to establish as to how the land claimed by her husband in different extents in different survey numbers is located

in one compact block and why she has given separate boundaries for the suit land of Ac 01-25 Gt in Sy. No.72/B/3.

36. Ex.P19 is Encumbrance Certificate showing three transactions in respect of land in Sy. No.72/B. The first transaction is of the year 1983. It is already observed that land in Sy. No.72 has more than 10 sub-divisions and in the light of this fact and in the light of the fact that there are other pattadars and possessors in Sy. No.72/B, burden is only on petitioner to show that her land is located within the given boundaries.

37. Ex.P20 is copy of registered Sale deed Doct. No. 1083/1983 dt.25.08.1983. Under this document, one of the boundaries shown is land of Banoth Hari Chandru.

38. Ex.P21 is pahani for the year 1980-81, showing the vendor Komirelly Narsaiah as pattadar of Ac 06-20 Gt in Sy. No.72/B. The vendor under Ex.P20 is pattadar of Ac 06-20 Gt in Sy. No.72/B which land was sold along with other lands in survey numbers under said document.

39. Ex.P22 is Crop cultivation certificate as per which, Banoth Jamuna W/o Banoth Kistu is certified to have cultivated Ac 01-25 Gt in Sy. No.72/B/3 during the years 2024-25 and 2025-26.

40. Ex.P23 is filed as Panchanama dt.22.11.2025. As per this panchanama, the panchas (mediators) gathered on 22.11.2025 on the instructions of Mandal Additional, Girdavar at land in Sy. No.72, that in that survey number, Banoth Januma raised crop in an extent of Ac 00-20 Gt for 4 months. This panchanama is of no use to the petitioner as she is specifically claiming that she is in possession of Ac 01-25 in Sy. No.72/B/3, on the other hand, this panchanama discloses that Banoth Jamuna raised corp in an extent of Ac 00-20 Gt for 4 months in Sy. No.72.

41. Coming to the proceedings initiated by the Forest authorities, petitioner got it marked as Ex.P12. As per Ex.P12, the forest authorities registered a case in POR against Banoth Venkatesh S/o Hemla U/S 24(3) and (4) of TS WALTA Act, 2004, where they have seized cut teak wood and other hard wood of Neem (Vepa) and fuel wood, all worth Rs.48,710/- from Sy. No.72/B.

42. It is seen that none of the documents filed by the petitioner shows the location of Ac 01-25 in Sy. No.72/B/3 claimed by her. As already observed above there is major flaw in the identity particulars of the suit land given by the petitioner. The registered gift deed of the petitioner shows that Ac 04-06 Gt in 7 different survey numbers is shown to be located within four boundaries in one compact block, where as petitioner had given separate boundaries for Ac 01-25 Gt in Sy. No.72/B/3 and she did not show any land of hers on any of the four boundaries. Petitioner failed to explain said discrepancy and it is a fact that petitioner did not file the sketch map showing location of her land as claimed under Ex.P1 registered Gift deed.

43. Coming to the documents exhibited by respondents, respondents got marked Ex.R1 to R18. Ex.R1 is Patta pass book cum title deed in the name of Banothu Venkatesh S/o Hema, he is shown as pattadar of Ac 03-10 Gt in Sy. No.72/B.

44. Ex.R2 is Certified copy of registered Gift Deed Doct. No.1804/2018 dt.27.02.2018. The Donor is Banothu Hema and donee is Banothu Venkatesh. The property gifted under this document is Ac 03-10 Gt in Sy. No.72/B within the given boundaries.

45. Ex.R3 to R15 are pahanies for intermittent years from 1995-96 to 2009-10. Ex.R3 is pahani for the year 1995-96, which shows Banothu Hema and Banothu Hari Chandru as possessors of Ac 03-10 Gt each in Sy. No.72/B and the pattadar was

Komirelly Narsaiah and Gopal and the later pahani i.e., Ex.R6 pahani for the year 1999-2000 shows Banothu Balu and Banothu Kistu as pattadars and possessors of Ac 01-25 Gt each in Sy. No.72/B2 and 72/B3, where as Banothu Hema is shown as possessor of Ac 03-10 Gt in Sy. No.72/B1 and the nature of possession of Banothu Hema is shown as purchase. Thus, as per this pahani, Banothu Hema got Ac 03-10 Gt in Sy. No.72/B1 whereas Banothu Balu got Ac 01-25 Gt in Sy. No.72/B2 and Banothu Kistu got Ac 01-25 Gt in Sy. No.72/B3.

46. Ex.R16 is Form-7 extract. Under this document, it is recorded that Banothu Hema purchased land from pattadars and paid stamp duty under ROR Act for change of patta in her name and that notice was given and objections were called for and as no objections were received, it is ordered for change of patta and issuance of pass books in respect of Ac 03-10 Gt in Sy. No.72/B, Ac 00-06 in Sy. No.74/B, Ac 00-05 Gt in Sy. No.75/B, from the name of Komrelly Narsaiah and Gopal, sons of Yadagiri to the name of Banothu Hema in Khata No.242.

47. Ex.R17 is online Bhu-Bharathi specimen copy, showing Banothu Venkatesh as pattadar of Ac 03-10 Gt in Sy. No.72/B.

48. It is seen from the record that respondents also filed photo copy of village map showing location of Sy. Nos.72, 73, 74, 75, 90. As already observed, petitioner did not file any map showing location of the lands. Petitioner failed to prima facie prove that Ac 01-25 Gt in Sy. No.72/B/3 claimed by her is located within the given boundaries. Given the fact that Sy. No.72 is sub-divided into more than 10 sub-divisions, petitioner has to first establish that out of 10 sub-divisions in Sy. No.72/B, Ac 01-25 Gt claimed by her in Sy. No.72/B/3 is located within the boundaries as given in the suit schedule.

49. It is important to note here that as per the documents, Banothu Hari Chandru father of Banothu Kistu who is husband of petitioner, is shown to have purchased Ac 03-10 Gt in Sy. No.72/B, where as Banothu Hema is shown to be in possession of Ac 03-10 Gt in Sy. No.72/B. The documents exhibited by petitioner further show that Ac 03-10 Gt was regularized equally in the names of Banothu Balu and Banothu Kistu both shown as sons of Banothu Hari Chandru. Thus, Ac 01-25 Gt i.e., half extent of Ac 03-10 Gt came to be recorded in the name of Banothu Balu, brother of Banothu Kistu, but none of the boundaries mentioned in the suit schedule show land of Banoth Balu on any of the four boundaries. Petitioner failed to explain said discrepancy. It is for the petitioner to show on which side of the suit land, the land of Banothu Balu is located.

50. Of course, all the pahanies show Banothu Kistu S/o Hari Chandru got Ac 01-25 Gt in Sy. No.72/B/3. It is to be observed that there are other pattadars also in Sy. No.72 and more particularly in Sy. No.72/B also. The Forest report also refers to the disputed land from which the teak and neem trees were cut as land in Sy. No.72/B and not Sy. No.72/B/2. Thus, petitioner failed to prove prima facie location and identity of the suit land or that she got prima facie case and prima facie possession over the suit schedule. When the petitioner failed to prove her prima facie case, there is no question of petitioner having balance of convenience in her favor and she suffering irreparable loss and injury in the event of declining the relief.

51. I hold that learned trial Judge without application of mind and without discussing the contents of the documents and how the documents establish the prima facie case and prima facie identity of suit land, made an omnibus observation about the documents of the petitioner, which is erroneous and the impugned order of the

learned Trial Judge is to be set-aside. These points are decided against the petitioner/plaintiff and in favor of respondents/defendants.

Point No.3:

52. In view of the findings given in Points No.1 & 2, the CMA has to be Allowed.

53. **IN THE RESULT**, CMA is Allowed setting aside the Order and Decree dated 19.01.2026 in IA 663/2025 in OS 477/2025 passed by the Principal Junior Civil Judge, Jangaon thereby dismissing said IA 663/2025 in OS 477/2025. No costs.

Dictated to Stenography knowing Typist, Transcribed by Him, Corrected and Pronounced by Me in the Open Court, on this the 18th day of March, 2026.

Sd/-

PRL. DISTRICT JUDGE,
JANGAON

APPENDIX OF ADDITIONAL EVIDENCE:

-Nil-

Sd/-
PRL. DISTRICT JUDGE,
JANGAON