IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Writ Petition (Civil) No.188 of 2004

M/S RAIGANJ CONSUMER FORUM **…Petitioner(s)**

Versus

UNION OF INDIA & ORS **…Respondent(s)**

Interlocutory Application No. _____ of 2025
IN
W.P.(C) No.188 of 2004

IN THE MATTER OF:

Gadde Mangamma
W/o Suresh, R/o.H.No.3-9-204/2,
Madireddy Kunta, Reddy Colony,
Hanumakonda Town & Mandal,
Warangal District, Telangana …APPLICANT

PAPER BOOK
(KINDLY SEE INDEX INSIDE)

Advocate-On-Record for Applicant: **SUMANTH NOOKALA**

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Filed on: 20.11.2025

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Hanumakonda Town & Mandal,
Warangal District, Telangana

APPLICATION UNDER ARTICLE 142 OF THE CONSTITUTION OF INDIA READ WITH ORDER XLVII OF THE SUPREME COURT RULES, 2013 SEEKING DIRECTION TO SET ASIDE OF THE ORDER DATED 13.03.2024 PASSED BY THE GFIL COMMITTEE AND EXCLUSION OF APPLICANT'S LANDS FROM AUCTION OF THE LANDS IN STATE OF TELANGANA

TO

The Hon'ble Chief Justice of India

and His Companion Justices

of the Supreme Court of India.

The humble application of the Applicant above named:

FACTS

1. The present application arises against the backdrop of long-standing proceedings before this Hon'ble Court in *SEBI v. Golden Forests (India) Ltd.* By order dated 12 September 2003, this Court restrained all other courts from entertaining winding-up proceedings against GFIL, and on 17 August 2004 extended that restraint to any claim by depositors or investors, directing that such matters would be dealt with exclusively by this Court after realisation of GFIL's assets.

2. On 19 August 2004, in T.C.(C) No. 2 of 2004, this Court appointed the GFIL Committee to take custody of all assets of GFIL and its group companies, realise them, and report for disbursement to investors. By a further order dated 15 October 2008, the Committee was authorised to take possession of all properties in the 1998 Asset Evaluation Report and to consider any valid third-party claims, subject to confirmation by this Court.

3. The Applicant's father, late B. Rajaiah, was the recorded owner of agricultural lands in Sy. Nos. 19, 20, 21 and 44 at Raghavapuram Village, Bibinagar Mandal, Yadadri-Bhongir District, Telangana.

4. That, B. Rajaiah died intestate on 23 May 1982, leaving behind his widow and six children — two sons and four daughters, including the present Applicant. Following his death intestate on 23 May 1982, the Applicant and her siblings were declared Class-I legal heirs by the Principal Junior Civil Judge, Bhongir, on 23 September 2008. True Copy of the Judgment and Decree dated 23.9.2008 in O.S.90 of 2008 in the Court of the Principal Junior Civil Judge, Bhongir is annexed herewith and marked as **ANNEXURE A-1 @ Pg.13 to 17.**

5. In 2016, the Applicant instituted O.S. No. 136 of 2016 for partition; by preliminary decree dated 25 June 2018, the V Additional District Judge, Bhongir, allotted each heir a one-sixth share and declared void the sale deeds under which GFIL claimed title. True Copy of the Plaint in O.S.No.136 of 2016 dated 23.08.2016 filed before the Hon'ble Court

District Judge, Nalgonda District at Nalgonda dated 23.08.2016 is annexed herewith and marked as **ANNEXURE A-2 @ Pg.18 to 24.** True Copy of the Judgment and Decree dated 25.06.2018 in O.S.No.136 of 2016 passed by the Court of the Vth Additional District Judge at Bhongir is annexed herewith and marked as **ANNEXURE A-3 @ Pg.25 to 34.** In final decree proceedings, an Advocate Commissioner delivered possession of Item No. 4 (Sy. No. 21 – Ac. 5-30 gts) to the Applicant in November 2019.

6. The Applicant and other siblings filed Intervention Application in October 2021 before this Hon'ble Court with an application for directions seeking exclusion of the partition suit schedule properties registered as I.A.132614 of 2021 etc.

7. Thereafter, the GFIL Committee was impleaded in the final decree stage pursuant to the Principal District Judge's order of 1 August 2022, which was upheld by the Telangana High Court on 13 June 2024 in *Bheemagowni Mallesh v. Committee-GFIL*, recognising the Committee's role under this Court's 2008 order. After this order, I.A for rejection of

plaint was filed. True Copy of the I.A. No.05 of 2022 in O.S.No.136 of 2016 dated 3.11.2021 filed before the Hon'ble Court of Vth Additional District Judge at Bhongir is annexed herewith and marked as **ANNEXURE A-4 @ Pg.35 to 40.**

8. However, by its order dated 13 March 2024, the Committee rejected the Applicant's claim, upheld the validity of GFIL's purchase deeds, and directed inclusion of the lands in the GFIL asset pool and remains unconfirmed by this Hon'ble Court. True Copy of the order of the Committee-Golden Forests (India) Limited dated 13.03.2024 is annexed herewith and marked as **ANNEXURE A-5 @ Pg.41 to 47.**

9. Subsequently, in Joint Minutes of Meeting dated 5 May 2025 filed in W.P.(C) No. 188 of 2004, the Raghavapuram lands — including the Applicant's survey numbers — were listed in for auction, with a reserve value of ₹ 244.21 crores, notwithstanding the subsisting preliminary decree and pending final decree proceedings.

10. In the above facts and circumstances, the Applicant herein seeks a direction to set aside the order of the committee inter alia the following:-

GROUNDS

A. Committee's Order Ultra Vires SC Mandate

The 15.10.2008 order makes the Committee's determinations recommendatory, subject to this Court's confirmation. The 13.03.2024 order conclusively rejects the Applicant's title without such confirmation, contrary to the mandate in *SEBI v. GFIL*. As the two sons of late Rajaiah, executed sale deeds in 1994 and 1997 purporting to convey the entire 34.20 acres, such alienations are valid only to the extent of their combined **shares**. The remaining **share** belonging to the four daughters and the widow could not have been conveyed. The subsequent rectification deed cannot enlarge the vendors' title or retrospectively validate the alienation of shares they never owned. To that extent, the sales are voidable and do not bind the female heirs. The Committee's order, in treating the sales as binding on the whole property, is contrary to settled law that a co-sharer cannot alienate more than his own undivided share.

B. Because the Committee has erred in law in treating the purported rectification deed sale deeds as curing the fundamental defect of excess alienation. On the death of Rajaiah, property stood divided notionally, with the two sons together entitled only to their share. The remaining share vested in the widow and four daughters as Class I heirs. The sons could not have conveyed more than their share and any sale beyond that extent is voidable. A rectification deed cannot enlarge the vendors' title or retrospectively validate transfer of shares they never owned. The Committee's reliance on such rectification to uphold alienation of the entire 34.20 acres is contrary to settled law and renders its order unsustainable.

C. **Ignoring Binding Civil Court Decrees**

The preliminary decree and delivery of possession through Advocate Commissioner stand until set aside; the Committee cannot disregard them. It is settled law that partition suits continue until final decree and preliminary decrees bind unless altered by the court.

D. Misapplication of Rectification Deeds — Legal Invalidity

The Committee's reliance on 1989 "rectification deeds" to

validate 1988–89 sales by co-parceners is legally untenable as **Void documents cannot be rectified**. Execution of such deeds itself is denied and warrants determination by evidence in Trial.

E. Because the impugned order of the Committee dated 13.03.2024 is contrary to the settled law under Section 6 of the Hindu Succession Act, 1956 as amended by Act 39 of 2005, which has been authoritatively interpreted by this Hon'ble Court in *Vineeta Sharma v. Rakesh Sharma* (2020) 9 SCC 1. This Court has held that daughters are coparceners by birth, irrespective of whether the father was alive on 09.09.2005, and are entitled to the same share as sons.

F. **Because, Co-owner's sale binds only their share** — The 1989 deeds were in substance fresh alienations by non-executants, purporting to divest minors and daughters' shares without statutory compliance. The preliminary decree has already declared the GFIL sale deeds void. The Committee has recorded findings on fraud etc that are **contested factual issues** requiring trial and evidence, not summary determination by a Committee.

G. Violation of Natural Justice

The Committee relied on untested documents without affording the Applicant an opportunity to cross-examine or rebut, contrary to *A.K. Kraipak v. Union of India*, (1969) 2 SCC 262.

H. Auction Will Prejudice Pending Adjudication

The Joint Minutes lists disputed lands of the Applicants despite the pending final decree with the Committee as a party. In some instances, this Court restrained auction of disputed properties pending verification — the same principle applies here.

INTERIM RELIEF:

Pending notice and final disposal of this IA, direct the exclusion of Sy. Nos. 19, 20, 21, 44 at Raghavapuram Village, Bibinagar Mandal, Yadadri-Bhongir District, Telangana from the proposed Auction and Stay further proceedings in I.A 5 of 2022 in O.S.136 of 2016.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

1. Set aside the GFIL Committee's order dated 13.03.2024.

2. Pass such other and/or further order(s) as this Hon'ble Court may deem fit and proper in the light of the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

DRAWN & FILED BY:

(SUMANTH NOOKALA)
ADVOCATE FOR THE APPLICANT

DRAWN ON: 29.10.2025

FILED ON: 20.11.2025

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
I.A.NO. OF 2025
IN
WRIT PETITION (C) NO:188 OF 2004

IN THE MATTER OF:
M/S RAIGANJ CONSUMER FORUM …Petitioner(s)

Versus

UNION OF INDIA & ORS …Respondent(s)

AND IN THE MATTER OF:
GADDE MANGAMMA

A F F I D A V I T

I, Gadde Mangamma D/o Sudha Rani Aged about 57 years R/o H.No.3-9-204/2, Ground Floor, Madireddy Kunta, Reddy Colony, Hanamkonda, Warangal, Telangana presently at Hyderabad do hereby solemnly affirm and state as follows:

1. That I am the petitioner and am well conversant with the facts and circumstances of the case.
2. I say that I have read and understood the contents of the accompanying Interlocutory Application(s) and say that the contents thereof are true and correct to the best of my knowledge and belief.
3. That the contents of the above affidavit are true and correct, no part of it is false and nothing material has been concealed there from.

ATTESTED
S.M. MAHMOOD
B.Com.,LL.B. (Osm)
ADVOCATE & NOTARY
Appointed by the Government of INDIA
22-2-56 Shaheen Shifa Khet Balshetty,
HYDERABAD-500024, T.S. INDIA

29 OCT 2025

DEPONENT

V E R I F I C A T I O N

I, Gadde Mangamma D/o Sudha Rani Aged about 57 years R/o H.No.3-9-204/2, Ground Floor, Madireddy Kunta, Reddy Colony, Hanamkonda, Warangal, Telangana presently at Hyderabad, the above deponent do hereby verify and declare that the above paras of affidavit are true to my knowledge and belief.

Verified on this the 29th day of October 2025

DEPONENT

ATTESTED

S.M. MAHMOOD
B.Com.,LL.B. (Osm)
ADVOCATE & NOTARY
Appointed by theGovernment of INDIA
22-2-56/1, Darulshifa Khet Balshetty,
HYDERABAD-500024, T.S. INDIA

29 OCT 2025

NOTARY
S.M. MAHMOOD
B.Com.,LL.B (Osm)
Registration No. 5605
Appointed by the
Government of India
OF INDIA

ANNEXURE A-1

IN THE COURT OF THE PRINCIPAL JUNIOR CIVIL JUDGE: BHONGIR.

(Dated this the 23rd day of September, 2008)

PRESENT:- SMT. P.NEERAJA, M.Com., LL.M.,
Principal Junior Civil Judge, Bhongir.

O.S.No.90 of 2008.

Between:

1. Bheemagani Gouramma
2. Gunuguntla Balamani
3. Bathini Suvarna
4. Gadde Mangamma
5. Palagoni Padma
6. Bheemagoni Mallesh
7. Bheemagoni Santhosh … Plaintiffs.

And

To Whom so ever it may concern. … Defendant.

This suit is coming up for final disposal before me in the presence of P.Shobhan Babu, Advocate for plaintiffs and no concerned appeared before the court, and having stood over consideration to day the court delivered the following:

: JUDGMENT :

1. The present suit is filed by the plaintiffs, 1 to 7, for declaration to declare them as legal heirs of deceased, Bheemagoni Rajaiah, against to whom so ever it may concern.

2. Brief averments of the plaint are that the plaintiff No. 1 herein is the wife of late Bheemagoni Rajaiah of Raghavapuram village of Bibinagar Mandal of Nalgonda district and they were blessed with four daughters, who are the plaintiffs No.2 to 5, and two sons, who are

plaintiffs No.6 and 7 herein and during the life time of late Bheemagoni Rajaiah, had performed the marriage of all his issues and they are living at their respective houses and the said Bheemagoni Rajaiah was a freedom fighter and during his life time he enjoyed all the facilities and privileges from the Government of India under freedom fighters quota and died on 23.5.1982 and after his death, the plaintiff No.1, who is his wife has been enjoying the pension benefits of her late husband and that in recent months, the freedom fighters pension authorities started cross checking to know the reality with regard to actual pension beneficiaries under freedom fighter's quota and demanded the plaintiff No.1, to produce legal heir certificate and that on 11.2.2008, the plaintiffs have approached the Thahasildar, Revenue Mandal, Bibinagar, for issuance of legal heir certificate, but the Thahasildar expressed his inability to issue legal heir certificate in view of the instructions from the Government of Andhra Pradesh, Revenue (SER.II) Department, vide Lr:No.12138/SET.II(2)/2006-07, dt.12.7.2006, wherein all the Thahasildars have been strictly instructed not to entertain a petition for succession unless a decree of declaration of status is obtained from the competent court of law and as such, the plaintiffs have no other option, except to approach this court for declaration of their legal status as legal heirs of late Bheemagoni Rajaiah. Therefore it is prayed to decree the suit by declaring the plaintiffs as legal heirs of the said Bheemagoni Rajaiah.

3. Publication was carried out to all concerned and one of the objectives appeared before the court.

4. Heard counsel for the plaintiffs.

5. Now the point of consideration is:
   Whether the plaintiffs are entitled for declaration as legal heirs of late Bheemagoni Rajaiah?

6. In support of their case, the plaintiff No.1 is examined as PW.1 and Exs.A.1 and A.2 are marked. Ex.A.1 is the death certificate of late Rajaiah, dt.10.10.1996, issued by the Sarpanch, Grampanchayat, Raghavapuram village. Ex.A.2 is the family members certificate, dt.28.12.2006, issued by Panchayath Secretary, Raghavapur.

7. By adducing oral and documentary evidence, the plaintiffs proved their case. Accordingly the suit is decreed, declaring the plaintiffs No.1 to 7, as the legal heirs of Late Bheemagoni Rajaiah.

Typed to my dictation, corrected and pronounced in open court on this the 23rd day of September, 2008.

Sd/-

PRINCIPAL JUNIOR CIVIL JUDGE, BHONGIR

APPENDIX OF EVIDENCE

WITNESSES EXAMINED

On behalf of the Plaintiffs

- PW1: Bheemagoni Gouramma

On behalf of the Defendant

- Nil

EXHIBITS MARKED

On behalf of the Plaintiff

- Ex.A1: Death Certificate of Rajaiah, dt.10.10.1996.
- Ex.A2: Family members certificate, dt.28.12.2006.

On behalf of the Defendant

- Nil

Sd/-

PRINCIPAL JUNIOR CIVIL JUDGE,
BHONGIR

DECREE IN ORIGINAL SUIT

IN THE COURT OF THE PRL JUNIOR CIVIL JUDGE. AT BHONGIR.

(DATED THIS THE 22nd Day of September, 2008)

Present : Smt. P. Neeraja, M.A., LL.M.,
Prl. Junior Civil Judge, Bhongir.

O.S. NO.90 Of 2008

- Date of Presentation : 11-03-2008
- Date of filing : 24-03-2008
- Date of disposal : 22-09-2008

Between:

1. Bheemagoni Gouramma, W/o. Late Rajaiah, aged 70 years, Occ: Household, R/o. Raghavapuram village of Bibinagar mandal in Nalgonda District.
2. Gunuguntla Balamani, W/o. Yadagiri, aged 58 years, Occ: Household, R/o. AnajSpur village of Bhongir mandal in Nalgonda Dist.
3. Bathini Suvarna, W/o. Venkatesham, aged 49 years, Occ: Housewife, R/o. Abdullapurmet village of Hayathnagar mandal of R. R. Dist.
4. Gadde Mangamma, W/o. Suresh, aged 40 years, Occ: Housewife, R/o. Hanumakonda village and mandal of Warangal District.
5. Polagoni Padma, W/o. Anand, aged 37 years, Occ: Housewife, R/o. Pogulagudem village of Ghatkesar mandal of R. R. District.
6. Bheemagoni Mallesh, S/o. Late Rajaiah, aged 53 years, Occ: H.M.T Employee, R/o. Raghavapuram village of Bibinagar mandal in Nalgonda District.
7. Bheemagoni Santhosh, S/o. Late Rajaiah, aged 47 years, Occ: Agriculturist, R/o. Raghavapuram village of Bibinagar mandal in Nalgonda District.

… Plaintiffs

And

To Whom so ever it may concern. … Defendant.

Claim:

Suit is filed for Declaration of Legal Heirship of Deceased Late Bheemagoni Rajaiah.

Cause of action:

Cause of action for the suit arose on 11-2-08 when the Thahasildar, Bibinagar, enlightened the plaintiffs with regard to the instructions of legal heir certificate as per the Lr. No.12138/SER.II(2)/2006-07 dated 12-07-2006 issued by the Govt. of A.P. Revenue (Ser-II) dept.

Court fee and Suit Valuation:

The relief of declaration of status is valued at Rs.5,000/- upon which a court fee of Rs.411/- is paid herewith U/sec. 24(d) of A.P.C.F and S.V. Act, which is sufficient.

This suit is coming on this day for final disposal before me in the presence of Sri P. Shobhan Babu, Advocate for the plaintiffs and none of the objections appeared before the court and having stood over for consideration till this day the court doth ordered and decreed as under

1. That the suit of the plaintiffs be and hereby is decreed and declared the plaintiffs 1 to 7 are the legal heirs of Late Bheemagoni Rajaiah.
2. That there is no order as to costs.

Given under my hand and seal of the court, this the 22nd day of September, 2008.

Sd/-PRINCIPAL JUNIOR CIVIL JUDGE,
BHONGIR

Cost of the suit

	For Plaintiff	for Defendants
01. Stamp on plaint	Rs. 411-00	E R
02. Stamp on Vakalath	Rs. 2-00	X T
03. Stamp on Process	Rs. —	P E
04. Advocate Fee	Fee Certificate not filed	A
Total	Rs. 413-00	Rs.Nil

Note: That the parties should apply as soon as possible for the return of all exhibits which they may wish to preserve as the record will be liable to be destroyed after three years from the date of decree.

IN THE COURT OF THE HON'BLE DISTRICT JUDGE,
NALGONDA DISTRICT
AT: NALGONDA

O.S.No.136 of 2016

BETWEEN:

Gadde Mangamma W/o Suresh,
Aged about: 49 years, Occ: Housewife,
R/o H.No.3-9-204/2, Madireddy Kunta,
Reddy Colony, Hanumakonda Town and Mandal,
Warangal District.
Ph:8374282246 Plaintiff

AND

1. Bheemagowni Mallesh S/o Late Rajaiah,
   Aged about: 62 years, Occ: Retd. Employee,
2. Bheemagowni Santhosh S/ Late Rajaiah,
   Aged about: 56 years, Occ: Agriculture,

Both R/o Raghavapuram Village, Bibinagar Mandal, Nalgonda District.

3. Gunuguntla Balamani W/o Yadagiri,
   Aged about: 60 years, Occ: Housewife,
   R/o Anajipur Village, Bhongir Mandal, Nalgonda District.
4. Bathini Suvarna W/o Venkatesham,
   Aged about: 56 years, Occ: Housewife,
   R/o Abdullapurment Village, Hayathnagar Mandal, R.R. District.
5. Polagoni Padma W/o Anand,
   Aged about: 46 years, Occ: Housewife,
   R/o Pogulagudem Village, Ghatkesar Mandal, R.R. District.
6. M/s. Golden Forest India Ltd.,
   Rep. by its Manager,
   O/o SCO 834, Golden Complex, Manimajara, Chandigarh, (U. .)
7. M/s. Golden Tourist Resort & Developers Ltd.,
   Rep. by its Manager, O/o SCO 834, Golden Complex, Manimajara,
   Chandigarh.

8. N.R. Giridhar Kumar S/o N Janardhan Rao,
   Aged about: 52 years, Occ: Business, R/o Plot No. 110, Phase-IV, Vanasthalipuram, Hyderabad.

--- Defendants

SUIT FOR PARTITION & SEPARATE POSSESSION
PLAINT FILED U/O. VII, RULE- 1, R/W. SEC. 26 C.PC.

Address of the plaintiffs for the service of summons, notices, processes, etc. is mentioned in the cause title above, and that of their counsels T. Narsimha Reddy, A. Ram Mohan Reddy, Advocates, having office at H.No.1-7-99/A, "Arunodaya", Kamalanagar, ECIL Post, Hyderabad - 062

Addresses of the Defendants for the service of summons, notices, processes, etc. is same as mentioned in the cause title above.

The plaintiffs respectfully submit as follows:

1. That the plaintiff and defendant No.1 to 5 are the children of Late Bheemagowni Rajaiah and Late Bheemagowni Gowramma and they were the native Raghavapuram Village, Bibinagar Mandal, Nalgonda District. The plaintiff and defendant No.3 to 5 are sisters of defendant No.1 and 2. The plaintiff and defendant No.1 to 5 are only sole surviving legal heirs and successors of estate of Late Bheemagowni Rajaiah. The plaintiff and defendants 1 to 5 are Hindus and governed by Hindu Mithakshara School of Law and Hindu Succession Act.

2. That Late Bheemagowni Rajaiah during his lifetime he self acquired the properties of land admeasuring Ac 5-24 gts in Sy.No. 19, Ac 7-12 gts in Sy.No.20, Ac 16-04 gts in Sy.No.21 and Ac 5-20 gts in Sy.No.44 situated at Raghavpuram Village, Bibinagar Mandal, Nalgonda District. The said properties are adjacent to each other and fully described in the schedule hereunder and hereinafter called and referred as schedule property.

3. That Late Bheemagowni Rajaiah was died intestate on 23-05-1982 leaving behind the plaintiff and defendant No.1 to 5 along with his wife Gowramma as sole surviving legal heirs and succeeded the abovementioned lands jointly and equally. The said Gowramma also died intestate on 21-11-2012. The plaintiff and defendants 1 to 5 are only legal heirs and equal shareholders over the suit lands.

4. That the suit properties are dry lands and kept them fallow after the death of Bheemagowni Rajaiah and there are no cultivation activities done so far in the said lands. The plaintiff and defendants 1 to 5 became he joint owners and are in joint possession and enjoyment over the suit lands after the death of Bheemagowni Rajaiah. The plaintiff is having 1/6th share in all over the suit schedule property. Likewise, the defendant No. 1 to 5 each are having 1/6th share in all over the suit schedule property. During the lifetime of Bheemagowni Rajaiah no partition was made in between the plaintiff and defendants 1 to 5. After the death of Bheemagowni Rajaiah also the suit properties are not partitioned between the plaintiff and defendants 1 to 5. The plaintiff herewith filed certified copies for the year 1955-58 for kind perusal of this Hon'ble Court.

5. That the plaintiff got marriage in the year 1989, after that she is residing in their in-laws house. Likewise he defendant 3, 4 and 5 also got married and are residing in their in-laws houses. The defendant No.1 and 2 are only staying in the Village of Raghavapuram The plaintiff from the last four years demanding the defendants for partition and separate possession of the suit properties. But the defendant No.1 and 2 are postponing the same on one pretext or the other by saying one or other reasons. Finally in the month of October, 2015 the plaintiff has demanded the defendant for partition and separate possession in respect of the suit property. But the defendants 1 to 5 have refused for partition and separate possession

stating that the suit properties are not in the name of their father or in their names and is in the name of defendant No.6 and 7, as such the plaintiff is not entitled for any share over the suit property. Immediately on enquiries the plaintiff went to the registration office and concerned revenue office and came to know that the defendants 1 and 2 in order to deprive legitimate share of the plaintiff they illegally entered the names of defendant No.6 and 7 in the revenue records in collusion in respect of suit property. The plaintiff on search before the concerned SRO, Bhongir came to know that the defendants 6 and 7 by creating false registered sale deeds from unauthorized persons in collusion with defendant No 1 and 2 created the registered sale deeds vide document Nos. 169 /1994, 554 /1996, 1231 / 1997, 2633 / 1997 and 2634/ 1997 registered in the office of SRO, Bhongir. The defendant No.7 inturn created registered sale deeds in favour of defendant No.8 vide document Nos.9014 / 2006 and 10356 / 2006 registered in the office of SRO, Bhongir. But in the revenue records the defendant No.6 name only is recording by deleting the name of plaintiff's father Late Bheemagowni Rajaiah and defendant No.1 and 2.

6. That the plaintiff never alienated any portion of suit property to anybody out of her share. The defendants 1 and 2 in collusion with defendant No.6 to 8 created the alleged documents with an intention to deprive the legitimate share of the plaintiff and also entered their names in the revenue records in collusion with officials of the concerned Tahsildar. The said registered sale deeds vide document No. 169 /1994, 554 /1996, 1231 / 1997, 2633 / 1997 and 2634/ 1997, 9014 / 2006 and 10356 / 2006 are not binding on the plaintiff and the same are illegal and void documents. The plaintiff thereafter on 02-02-2016 approached all the defendants for partition and separate

possession in respect of the suit property and allot her share. But the defendants 1 to 5 have refused for partition and separate possession.

7. That the defendant No.6 to 8 in collusion with other defendants trying to alienate the suit property to third parties by converting the same into residential plots after demand made by the plaintiff for partition and separate possession of the suit property. If the defendants succeed in their illegal acts the plaintiff will be deprived her legitimate share over the suit property and also put to irreparable loss and injury, which cannot be compensated in any manner. Hence the plaintiff has no other alternative except to file the present suit for partition and separate possession. Hence the suit.

CAUSE OF ACTION:

That the cause of action for filing the suit arose on all dates and in the month of October, 2015 and finally on 02-02-2016 when the plaintiff demanded the defendants 1 to 5 for partition and separate possession over the suit property, but the defendants bluntly refused for partition and separate possession and the cause of action is still continuing.

JURISDICTION:

The Hon'ble Court has got jurisdiction to entertain the plaint as the plaint schedule lands are situated at Raghavapuram Village, Bibinagar Mandal. Nalgonda District, which are within the jurisdiction of this Hon'ble Court.

LIMITATION:

The plaintiff has not filed any other suit or proceedings for the relief prayed in the present suit nor the same is pending before any court.

COURT FEE AND SUIT VALUATION:

That the suit is for partition and separate possession of suit schedule property, the market value of schedule property is Rs. 14,86,5000/-, the plaintiff's 1/6th share comes to Rs 2,47,7500/-, and for purpose of filing the same is valued on plaintiffs 3/4th share which comes to Rs. 189815/-

The parties being in joint possession of the property and the same is valued U/s. 34(2) of APCF and S.V.Act. and affixed court fee of Rs. 200/-/- is paid which is proper and sufficient. For declaration to declare the sale deeds vide doc. 169 /1994, 554 /1996, 1231 / 1997, 2633 / 1997 and 2634/ 1997, 9014 / 2006 and 10356 / 2006 as null and void valued at Rs. 5000 and paid Court fee of Rs. [11] /- u/s 37 of A.P. C.F & S.V. Act. Thus the total court fee of Rs. 611 /- is paid which is sufficient and proper.

PRAYER

Therefore, it is prayed that the Hon'ble Court may be pleased to pass judgment and decree in favour of plaintiffs as follows;

a) Preliminary decree be passed in favour of plaintiff declaring that the plaintiff is entitled for 1/6th share in all over the suit schedule property and the defendant No.1 to 5 each entitled for 1/6th share in all over the suit property.

b) Final decree to be passed in pursuance of Preliminary decree dividing the plaint schedule property with metes and bounds and separate possession thereof to be delivered to the plaintiff.

c) To declare the alleged sale deeds registered vide document No. 169/1994, dated 12-1-1994, 554 / 1996 dated 2-2-1996, 1231 / 1997 dated 15-4-1997, 2633 / 1997 dated 27-3-1997, 2634 / 1997 dated 27-3-1997, 9014 /2006 dated 11-9-2006 and 10356 / 2006 dated 11-9-2006 all documents registered in the office of SRO, Bhongir as sham, nominal, bogus, illegal and void, not enforceable, non-est and not binding on the plaintiff by canceling the same.

d) Awarding costs of the suit; and

e) granting any such other relief or reliefs to which the plaintiffs are entitled as the Hon'ble Court deems fit and proper under the circumstances of the case.

DATE: 23.8.2016
PLACE: Nalgonda PLAINTIFF

VERIFICATION

I, Gadde Mangamma W/o Suresh, the plaintiff in the above suit do hereby declare that contents stated above in the Plaint are true and correct to the best of my knowledge and belief. Hence verified.

DATE:23.08.2016
PLACE: Nalgonda

SCHEDULE OF PROPERTY

All that land admeasuring Ac 5-24 gts in Sy.No.19, Ac 7-12 gts in Sy.No.20, Ac 16-04 gts in Sy.No.21 and Ac 5-20 gts in Sy.No.44 situated at Raghavpuram Village, Bibinagar Mandal, Nalgonda District and bounded by:

Boundaries of Sy.No. 19, 20 and 21

NORTH : Land in Sy. No.41, 38 & 37
SOUTH : Land in Sy.No. 15, 16 & 17
EAST : Land in Sy. No.35
WEST : Land in Sy.No.592

Boundaries of Sy.No.44

NORTH : Land in Sy.No.52
SOUTH : Land in Sy.No.39
EAST : Land in Sy.No.45
WEST : Land in Sy.No.42 & 43

VERIFICATION

I, Gadde Mangamma W/o Suresh, the plaintiff in the above suit do hereby declare that the schedule of property and its boundaries are true and correct to the best of my knowledge, Hence verified and signed.

DATE:23.08.2016
PLACE: Nalgonda Sd/-

PLAINTIFF

ANNEXURE A-3

IN THE COURT OF THE V ADDITIONAL DISTRICT JUDGE: AT BHONGIR

(Dated this the 25th day of June, 2018)

Present: Sri Putta Murali Mohana Reddy,

V Addl.District and Sessions Judge, BHONAGIRI.

O.S. No. 136 OF 2016

Between:

Gadde Mangamma, W/o. Suresh, Aged: 49 years, Occ: House wife, R/o.H.No. 3-9-204/2, Madireddy Kunta, Reddy Colony, Hanumakonda town and mandal, Warangal District. ….Plaintiff

AND

1. Bheemagowni Mallesh, S/o. Late Rajaiah, Aged: about 62 years, Occ: Retd. Employee.
2. Bheemagowni Santhosh, S/o. Late Rajaiah, Aged: about 56 years, Occ: Agriculture, Both are R/oRaghavapram village, Bibinagar Mandal, Nalgonda district.
3. Gunuguntla Balamani, W/o. Yadagiri, Aged: About 60 years, Occ; House wife, R/o. Anajipur village, Bhonagiri mandal, Nalgonda district.
4. Bathini Suvarna, W/o. Venkatesham, Aged: about 56 years, Occ: House wife, R/o. Abdullapurmet village, Hayathnagar mandal, R.R.District.
5. Polagoni Padma, W/o. Ananad, Aged About: 46 years, Occ: House wife, R/o. Pogulagudem village, Ghatkesar Mandal, R.R.District,
6. M/s. Golden Forest India Ltd., Rep.by its Manager, O/o. SCO 834, Golden Complex, Manimajara, Chandigharh (U.T.)
7. M/s. Golden Tourist Restores & Developers Ltd., Rep.by its Manager, O/o. SCO 834, Golden Complex, Manimajara, Chandigarh (U.T.)
8. N.R. Giridhar Kumar, S/o. N.Janardhan Rao, Aged: About 52 year's, Occ: Business, R/o. Plot No. 110, Phase - IV, Vanasthalipuram, Hyderabad.

…Defendants.

This suit coming on this day before me for final hearing and disposal in the presence of Sri T.Narsimha Reddy, Advocate for the plaintiff and the Defendants having remained exparte and having stood. over for consideration to this day, this court made the following:-

: JUDGMENT :

This is a suit filed by the plaintiff against the defendants for partition and separate possession of the plaint schedule property declaring that the plaintiff and defendants No.1 to 5 are entitled to 1/6th share each in the suit schedule property.

(b) To appoint a commissioner to work out the preliminary decree by pending the same by metes and bounds among them and to pass final decree and to put them in possession of their respective shares.

(c) By declaring the documents executed by D-1 and D-2 in the name of the D-6 to D-8 are not binding as null and void.

The brief averments mentioned in the plaint are as follows:

1. It is averred in the plaint that the plaintiff and D-1 to D-5 are the children late Bheemagowni Rajaiah and late Bheemagowni Gowramam and they are native place of Raghavapura village, Bibiangar Mandal. The plaintiff and D-3 to D-5 are the sisters of D- 1 and D-2. The plaintiff and D-1 to D-5 are the only surviving legal heirs and successors of B.Rajaiah and they were governed by Hindu Mithakshara School of law and Hindu Succession Act.

2. It is further averred in the plaint that the said Bheemagowni Rajaiah during his life time, he acquired the properties to an extent of Ac.5-24 gts., in Sy.No.19, Ac,.7-12 gts., in Sy.No.20, Ac.16-04gts. In Sy.No.21, and Ac.5-20gts.,in sy.No.44 situated at Raghavapuram village, Bibinagar mandal which are more fully described in the plaint schedule property.

3. The said Bheemagowni Rajaih died intestate on 23-5-1982 leaving behind the plaintiff and D-1 to D-5 and along with his wife

Gowaramma as surviving the legal heirs to succeeded the joint family property. The said Gowaramma also died intestate on 21-11-2012. The plaintiff and D1- to D-5 are the only legal heirs and they became as joint owners of the plaint schedule property and they were in joint possession and enjoyment of the same.

4. It is further averred in the plaint that the plaintiff for the last four years demanding the defendants for partition and separate possession, but D-1 and D-2 are postponing the same on pretext or the other reasons.

5. In the month of October 2015 the plaintiff has demanded the defendants for partition for the plaint schedule property, but the defendants No.1 to 5 have refused to partition, stating that the plaint schedule property are not in the name of their father or in their names and it is in the name of D-6 and D-7. Immediately on enquiry the plaintiff went to Sub Registrar Office and enquired the concerned revenue officials and came to know that D-1 and D-2 in order to deprive the legitimate share of the plaintiff, they illegally entered the names of D6 and D7 in the revenue records, in collusion with them in respect of the plaint schedule property. The plaintiff on search before the Sub Registrar Office, Bhonagiri came to know that D-6 and D-7 by creating false registered sale deeds and un-authorized persons in collusion of D-1 and D-2 and created the registers sale deeds D-7 in turn created the registered sale deeds in favour of D-8. But, in the revenue records D-6 name only. is recording by deleting the name of the plaintiffs father and D-1 and D-2. The defendant No.1 and 2 in collusion with the D-6 to D-8 created the alleged documents with an intention to deprive the legitimate share of the plaintiff and also entered their names in the revenue records in collusion with officials of the concerned Thasildar. The said sale deeds are not binding on the plaintiff and the same are illegal and void documents. In spite of

the several demands, mediations made by the plaintiffs the defendants are bluntly refused for partition and separate possession. Hence, this suit.

6. The defendants No.1 to 8 served with summons but they did not contest the mater and made them as set exparte.

7. During the course of enquiry on behalf of the plaintiff herself is examined as PW-1 and got marked Exs.A-1 to A-13.

8. Heard the arguments of the learned counsel for the plaintiff.

9. Now the point for consideration is:

    1. Whether the plaintiff is entitled to 1/6th share in the plaint schedule property along with D-1 to D-5.

    2. Whether the documents in the name of: D-6 to D-8 are null and void and not binding on the plaintiff.

P O I N T:

10. This is a suit filed by the plaintiff against the defendants for partition and separate possession of the plaint schedule properties.

11. The plaintiffs by name Gadde Mangamma herself is examined as PW-1 by way of her chief affidavit. She reiterated the averments of the plaint in her chief affidavit.

12. The plaintiff claiming the plaint schedule property as she is the daughter of one Bheemagowni Rajaiah and Bheemagowni Gowaramma. It is the specific case of the plaintiffs that herself and D-1 to D-5 are the children of the said Bheemagowni Rajaiah

13. The Said Rajaiah himself acquired the plaint schedule property, which is situated at Raghavapuram village and he died intestate on 23-05-1982 Leaving behind him the plaintiff and D-1 to D-5 as his legal heirs. The father of the plaintiff and defendants are in joint owners and enjoying the plaint schedule property.

14. Ex.A-1 is the Certified copy of the pahanies for the year 1955-56, Ex.A-2 is the certified copy of the pahani for the year 1983-84 Ex.A-3 is the pahani for the year 1994-95 issued by Tahasildar Bibinagar mandalı

15. On perusal of Ex.A-1 and A-2 clearly reveals that the plaint schedule property stands in the name of father of the plaintiff and D-1 to D-5, it is the ancestral property.

16. Ex.A-12 is the certified copy of the decree and judgment passed by the Prl.Junior Civil. Judge, Bhonagiri dt 21-8-1998 in O.S.No. 90 of 2008, declared that the plaintiff and D-1 to D-5 are legal heirs of Rajaiah. The Ex.A-1 and A-2 and clearly established that the plaint schedule property is joint family property of the plaintiff and defendant and those properties are not partitioned. Ex.A-3 and are certified copy of pahanies in respect of the plaint schedule property.

17. Ex.A-5 is the certified copy of the sale deed executed by Salla Ram Reddy, dated 12-01-1994 in favour of D-7. Likewise Ex.A-6 is certified copy of sale deed dated 2-2-1996, executed by Smt A.Laxmi in favour of D-7. Ex.A-7 is the certified copy of the sale deed dated 15-04-1997 executed by Ram reddy in favour of D-7. Ex.A-8 is the certified copy of the sale deed. on 27-03-1997 executed by Chirra Vijaya Laxmi and another in favour of D-7. Ex.A-9 is the certified copy of the sale deed dated 27-03-1997 executed by Ram Reddy another in favour of D-7. Ex.A-10 is the certified copy of the sale deed dated 11-09-2016 executed by D-7, in favour of D-8. Likewise Ex.A-11 certified copy of the sale deed, dated 11-09-2016 executed by D-7 in favour of D-8.

18. A plain reading of the above documents, it is clear that, D-1 'and D-2 executed the documents in favour of some third parties and thus in turn executed different sale deeds in the name of D-7. later D-7 executed two sale deeds in favour of D-8 in respect of the plaint

schedule property without partition of the plaint schedule property, D-1 and D-2 entered those transactions: which are not binding on the plaintiff.

19. The evidence on record clearly reveals that, the plaint schedule properties were not divided by metes and bounds and inspite of the mediations, the defendants are not cooperating for partition. Hence, this Properties are liable for partition.

20. In view of the facts and circumstances of the case the plaintiff /is entitled 1/6th share in all items of the plaint schedule properties and the defendant N.1 to 5 are entitled for 1/6th share by taking good and bad soil in to consideration. The documents executed by D-1 and D-2 in the name of D-7 and D-8. i.e., Ex.A-5 to A-11 are null and void and are liable to be cancelled.

21. The said documents are not binding on the plaintiff and those documents are obtained behind the back of the plaintiff.

22: In the result, the plaintiff suit is decreed with costs by passing preliminary decree. The plaintiff is entitled for 1/6th share and D-1 to D-5 are each entitled for 1/6th share in all the plaint 'schedule property by taking good and bad soil into consideration. The equities will be decided at the time of passing final of decree. The documents executed by D1 and D-2 i.e., Ex.A-5 to A-11 are null and void and those documents are liable to be cancelled. In the circumstances both parties do bear their own costs.

Dictated to the Personal Assistant, transcribed by him, corrected and pronounced by me in the open Court on this the 25th day of June, 2018.

Sd/-
V ADDITIONAL DISTRICT JUDGE
BHONGIR.

APPENDIX OF EVIDENCE

WITNESSES EXAMINED

ON BEHALF OF THE PLAINTIFF

PW1 G.Mangamma

ON BEHALF OF THE DEFENDANTS

Nil.

EXHIBITS MARKED

ON BEHALF OF THE PLAINTIFF

Ex.A-1 is the CC of Chesala Pahani for the year 1955-58, Ex.A-2 is the CC of pahani for the year 1983-84

Ex.A-3 is the CC of pahani for the year 1994-05

A-4 is the CC. of pahani for the year 2010-11

Ex.A-5 is the CC of sale deed doc. No. 169/1994, dt. 12-01-1994,

Ex.A-6 is the Sale deed Doc.No.554/1996, dt. 2-2-1996

Ex.A-7 is the CC of sale deed Doc.No. 1231/1997, dt. 15-4-1997.

Ex.A-8 is the CC of sale deed doc. No.2633/1997; dt 27-03-1997.

Ex.A-9 is the CC of Sale deed Doc.No.2634/1997, dt. 27-03-1997

Ex.A10 is the CC of sale deed Doc.No.9014/2006, dt. 11-09-2006,

Ex.A-11 is the CC of sale deed Doc.No. 10356/2006, dt. 11-09-2006,

Ex.A-12 is the CC of decree Judgment passed by Prl.J.C.J.Bhonagiri, Dt. 23-9-2008,

ExA-13 is the valuation certificate (2 Pages) dated 1-12-2015.

ON BEHALF OF THE DEFENDANTS

Nil.

Sd/-

V ADDITIONAL DISTRICT JUDGE,
BHONGIR.

DECREE

IN THE COURT OF THE V ADDITIONAL DISTRICT JUDGE: AT BHONGIR

(Dated this the 25th day of June, 2018)

Present: Sri Putta Murali Mohana Reddy,

V Addl.District and Sessions Judge, BHONGIRI.

O.S. No. 136 OF 2016

DATE OF PRESENTATION:23-08-2016

DATE OF INSTITUTION:23-08-2016

Between:

Gadde Mangamma, W/o. Suresh, Aged: 49 years, Occ: House wife, R/o.H.No. 3- 9-204/2, Madireddy Kunta, Reddy Colony, Hanumakonda town and mandal, Warangal District. .... Plaintiff

AND

1. Bheemagowni Mallesh, S/o. Late Rajaiah, Aged: about 62 years, Occ: Retd. Employee.
2. Bheemagowni Santhosh, S/o. Late Raaiah, Aged: about 56 years, Occ: Agriculture, Both are R/oRaghavapram village, Bibinagar Mandal, Nalgonda district.
3. Gunuguntla Balamani, W/o. Yadagiri, Aged: About 60 years, Occ; House wife, R/ Anajipur village, Bhonagiri mandal, Nalgonae district.
4. Bathini Suvarna, W/o. Venkatesham, Aged: about 56 years, Occ: House wife, R/o. Abdullapurmet village, Hayathnagar mandal. R.R.District.
5. Polagoni Padma, W/o. Ananad, Aged About: '46 years, Occ: House wife, R/o. Pogulagudem village, Ghatkesar Mandal, R.R.District.
6. M/s. Golden Forest India Ltd., Rep.by its Manager, O/o. SCO 834, Golden Complex, Manimajara, Chandigarh (U.T.)
7. M/s. Golden Tourist Restores & Developers Ltd., Rep.by its Manager, O/o. SCO 834, Golden Complex, Manimajara, Chandigarh (U.T.)

8. NAR.Giridhar Kuman, S/o. N.Janardhan Rco, Aged: About 52 years, Occ: Business, R/o Plot No. 110, Phase - IV, Vanasthalipuram, Hyderabad.

…. Defendants

CLAIM:- Suit for partition and separate possession.

CAUSE OF ACTION:- The suit cause of action arose on all dates and in the month of October, 2015 and finally on 02-02-2016 when the plaintiff demanded the defendants No.1 to 5 for partition and separate possession over the suit property, but the defendants bluntly refused for partition and separation possession and the property situated at Raghavapuram village, Bibinagar Mandal.

VALUATION: The suit is for partition and separate possession of suit schedule property, the market value of the schedule properties Rs.1,48,65;000/- the plaintiff's 1/6th share comes to Rs., 24,77,500/- and for the purpose of filing the same is valued on plaintiffs 3/4th share which comes to Rs.18,58,125/ -. The parties being in joint possession of the property and the same is valued U/sec. 34(2) of APCF and S.V.Act., and affixed court fee of Rs.200/- is paid which is proper and sufficient. For declaration to declare the sale deeds vide Doc.No. 169/1994, 554/1996, 1231/1997, 2633/1997 and 643/1997, 9014/2006 and 10356/2006 as null and void and notionally valued at Rs.5,000/- and paid court fee of Rs.411/- is paid U/sec. 24(i) of APCF AND SV. Act. Thus the total court fee of Rs. 611/- is paid which is sufficient and proper.

DECREE: - This suit is coming for hearing and disposal before me in the Presence of Sri.T.Narsimha Reddy, Advocate for the plaintiff and the Defendants having remained exparte and having stood over for consideration, till this day this Court doth order and DECREE as follows :-

1. That the plaintiff suit be and hereby decreed with costs by passing preliminary decree.
2. That the plaintiff is entitled for 1/6th share and D-1 to D-5 are each entitled for 1/6th share in all the plaint schedule property by taking good and bad soil into consideration. The equities will be decided at the time of passing final of decree.
3. That the documents executed by D1 and D-2: i.e., Ex.A-5 to A-11 are null and void and those documents are liable to be cancelled. In the circumstances both parties do bear their own costs.
4. There is no order as to casts.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT ON THIS THE 25th DAY OF JUNE, 2018.

Sd/-
V ADDITIONAL DISTRICT JUDGE
BHONGIR

SUIT SCHEDULE PROPERTY

All that land admeasuring Ac.5-24gts., in Sy.No.19, Ac.7-12gts. In sy.No.20, Ac.16-04gts., in Sy.No.21 and Ac.5-20grs., in Sy.No.44 situated at Raghavapuram, village, Bibinagar Mandal, Nalgonda district land bounded as follows:

Boundaries of Sy No. 19, 20 and 21:

East: Land in sy. No.35 West: Land in Sy.No.592 North: Land in Sy.No.41, 38 & 37 South: Land in Sy.No.13,16 & 17

Boundaries of Sy.No.44:

East: Land in sy.No.45 West: Land in Sy.No.42 and 43 North: Land in Sy.No.52 South: Land in Sy.No.39

PARTICULARS OF COSTS

1. Stamp on memorandum of suit — RS. 611-00 (for plaintiff)
2. Stamp on Vakalath — RS. 02-00 (for plaintiff)
3. Process fee — RS. 100-00 (for plaintiff)
4. C. F. of documents — --
5. Advocate Fee — --
6. Miscellaneous — --
7. Paper Publication — --

TOTAL — RS.713-00 (for plaintiff); NIL (for defendants)

Sd/-
V ADDITIONAL DISTRICT JUDGE
BHONGIR

ANNEXURE A-4

BEFORE THE HON'BLE COURT OF Vth ADDITIONAL DISTRICT JUDGE AT BHONGIR

IA No. 05 of 2022

In
O.S No. 136 of 2016

1) Committee-GFIL ... Petitioner

And

Gadde Mangamma W/o Suresh,
Aged about 51 years Occ: Housewife
R/o H. No. 3-9-204/2, Madireddy Kunta, Reddy Colony
Hanumakonda town and Mandal Warangal Distt. .
…Plaintiff/Respondent

VERSUS

1. Bheemagowni Mallesh S/o Late Rajaiah
Aged about 62 years, Occ: Retd Employee
R/o Raghavapuram Village, Bibinagar mandal,
Yadadri Bhongir District, Telangana.

2. Bheemagowni Santosh S/o Late Rajaiah
Aged about 56 years, Occ: Retd Employee
R/o Raghavapuram Village, Bibinagar mandal,
Yadadri Bhongir District, Telangana.

3. Gunuguntla Balamani W/o Yadagiri
Aged about 60 years, Occ: Housewife,
R/o Anajipur Village, Bhongir Mandal,
Yadadri Bhongir District.

4. Bathini Suvarna W/o Venkatesham
Aged about 60 years, Occ: Housewife,
R/o Pogulagudem Village, Ghatkesar Manda!,
Yadadri Bhongir District.

5. Polagoni Padma W/o Anand,
Aged about 46 years, Occ: Housewife,
R/o Pogulagudem Village Ghatkesar Mandal,
Yadadri Bhongir District.

6. M/s Golden Forest India Ltd.,
Rep by its manager,
O/o SCO 834, Golden Complex,
Manimajara, Chandigarh,

7. M/s Golden Tourist Resorts & Developers Ltd.,
Rep by its Manger,
O/o SCO834, Golen Complex,
Manimajara, Chandigarh.

8. N.R. Giridhar Kumar S/o Janardhan Rao,
Aged about 52 years, Occ: Business,
R/o Plot No. 110, Phase IV, Vanasthalipuram,
Hyderabad.

....Defendants

AFFIDAVIT

APPLICATION UNDER ORDERS 7 RULE 11 OF CPC FOR DISMISSAL OF SUIT ON BEHALF OF THE COMMITTEE-GFIL (APPOINTED BY THE HON'BLE SUPREME COURT) THROUGH B.M. BEDI DISTRICT & SESSIONS JUDGE (RETD), MEMBER, AS THE SUIT IS NOT MAINTAINABLE BEFORE THIS COURT UNDER THE ORDERS DATED 17.08.2004 AND 15.10.2008 PASSED BY THE HON'BLE SUPREME COURT OF INDIA. IN THE MATTER OF T.C. (C) NO.2 OF 2004 TITLED SECURITIES & EXCHANGE BOARD OF INDIA VERSUS GOLDEN FORESTS (INDIA) LIMITED.

AND

APPLICATION UNDER ORDER 9 RULE 9 OF CPC FOR SETTING ASIDE EX PARTE DECREE DATED 25.06.2018 OF THE COMMITTEE-GFIL (APPOINTED BY THE HON'BLE SUPEME COURT) AS DEFENDANT.

MOST RESPECTFULLY SHOWETH:

I, Mr. B.M. Bedi, S/o. Late Sh.S.R.Bedi, Aged about 71 years, Occ: Member-Committee-GFIL, R/o. H.No.22, Sector 4, Panchkula, do hereby solemnly affirm and sincerely state on oath as follows:

1. The Plaintiff has filed the present case to mislead the Court by concealing material facts for personal gain of herself and her brothers and sisters who are performa defendants no. 1 to 5. The correct facts are that the company Golden Forest India Limited and its subsidiary companies were Bonafide purchasers of the lands under reference. There are certain restraint orders passed by the Hon'ble

Supreme Court regarding the jurisdiction of other courts including this court with regard to the property matters of these companies. The plaintiff has mischievously obtained preliminary decree vide judgment dated 25.6.2018 by playing fraud with court and with intent to cheat applicant and other investors with the company GFIL and its subsidiary companies. Copy annexed as Document No.1.

The judgment was passed without hearing this Committee who is a proper party with respect to defendant nos. 6 & 7 who were preceded against ex-parte along with the other entire defendants.

2. The Committee would like to put the facts straight that M/s Golden Forest India Limited under "Collective Investment Scheme" of SEBI collected huge funds from poor investors across the country and there after started defaulting returns. Therefore SEBI passed a restraint order 09.01.1998 and thereafter filed Writ Petition No. 344 of 1998 before Bombay High Court which was later transferred to Hon'ble Supreme Court and renumbered as T.C.(C) No.2 of 2004.

The Hon'ble Supreme Court appointed this Committee vide it order dated 19.8.2004 passed in the matter of T.C.(C) No.2 of 2004, titled Securities & Exchange Board of India Vs. Golden Forests (India) Limited with a mandate to take in to its custody all the assets of GFIL and its subsidiary/associate companies, realize them and file a report of realized funds to the Supreme Court so that the Hon'ble Court is able to pass appropriate orders with regard to disbursement of funds to the investors, (which are about 15 lacs) of the Golden Forest Group companies. A copy of the order dated 19.08.2004 is annexed as Document No.2.

Since the company M/s Golden Forest India Limited and it's other/group companies closed their business in December 2000 and Hon'ble Supreme Court appointed this committee vide order dated 19.08.2004, this committee stepped into the shoes of Golden Forest group companies and therefore this Committee becomes necessary party to be heard in the matters relating to Golden Forest group companies.

3. The Hon'ble Supreme Court on 17.08.2004 in T.C.(C) No.2 of 2004, directed all the subordinate courts not to entertain any claim pertaining to the company Golden Forest India Limited, the relevant portion is reproduced as under:-

> "By Order dated 12th September, 2003 we directed that no other Court except this Court shall entertain any winding up proceedings relating to the Respondent-Company. We now direct that no other Court or Forum or Tribunal will entertain any claim or application by depositors/investors for return of monies or payment of interest as these aspects will be dealt with by this Court after realization of all the assets. If any such claim is filed by any party before any Court or Tribunal the same shall stand stayed. We clarify that criminal cases are not covered by this Order and can proceed."

A copy of the order dated 17.08.2004 is annexed as Document No.3.

5. The present case is fully covered under the orders dated 17.08.2004 and 15.10.2008 passed by the Hon'ble Supreme Court and thereby it is clear that this Court has no jurisdiction to adjudicate the present case as it pertains to properties owned by GFIL/GTRDL vide sale deeds dated 12.1.1994, 2.1.1996, 15.4.1997 & two sale deeds of even date 27.1.1997. The plaintiff can only approach this Committee for any third party relief claimed in the property owned by GFIL or its associate and subsidiary companies however the Plaintiff

clandestinely chose to file the present case instead, by concealing true facts.

6. It is pertinent to note that after the death of Sh. B Rajaiah on 23.5.1982, his heirs approached the court of principal Junior Civil Judge Bhongir in the year 2008 for declaring them to be legal heirs of B. Rajaiah i.e. after 26 years. It may also be noted that present suit was filed in the year 2016 i.e. after 34 years of the death of B.Rajaiah. The interesting fact is that two sons of B.Rajaiah i.e. Mr. B.Malesh and B. Santosh sold the lands to Mr.S. R. Reddy in 1989 who further sold the same to Golden Forest India Limited and Golden Tourist Resort and Developers Limited between the years 1994 and 1997, while suit for partition and setting aside sale deeds in favour of GFIL/GTRDL was filed after 22 years of sales.

   There is no justification for filing the suit after so many years except with malafide intention with intent to play fraud with court by obtaining preliminary decree by concealing true facts. Moreover brothers of Plaintiff Mr.Bheemagowni Mallesh Defendant No 1 and Mr. Bheemagowni Santosh Defendant No 2 who sold the lands subject matter of litigation in the present suit to Mr.S.R.Reddy and he further sold to Golden Forest India Limited and Golden Tourist Resort & Developers Limited are silent and chose to be proceeded against ex-parte. This shows the malafide intention of the plaintiff and her collision with defendant no.1 to 5 to grab the property of Golden Forest group companies.

7. That the Committee in number of cases earlier has filed similar application 'for dismissal of suit' on account of lack of jurisdiction to adjudicate this kind of suits. Copies of some of orders passed by various courts whereby applications for dismissal of suit filed by the

Committee have been allowed and appeals thereof were dismissed are annexed as Document No. 5 (Colly.)

8. Under the order dated 17.08.2004 and 15.10.2008 passed by the Hon'ble Supreme Court, only this Committee has been empowered to try the third party claim over the properties of Golden Forests Group of Companies.

9. The Committee came to know about this case only on 10.10.2021 when six applicants who are plaintiff and defendant no 1 to 5 filed application before the Committee. Therefore the limitation of 30 days starts from 10.10.2021.

10. In view of the above, it is prayed for that:

a) dismiss the present plaint with cost as the same is filed without adopting proper judicial route and this Court has no jurisdiction to try it;

b) set aside the ex-parte judgment/preliminary decree dated 25.6.2018 being unlawful and passed without jurisdiction.

Sworn and Signed before me at Chandigarh
On 03.11.2021

Sd/-
Member Committee-GFIL

VERIFICATION STATEMENT

I, Mr. B.M. Bedi, S/o. Late Sh. S.R.Bedi, Aged about 71 years, Occ: Member-Committee-GFIL, R/o. H.No.22, Sector 4, Panchkula do hereby solemnly affirm that I have read the contents of the above affidavit and the averments made in para Nos.1 to 10 of the application are based on the information derived from the record of the Committee which I believe to be true to the best of my knowledge.

Hence verified before me on this the 3rd day of November 2021

Sd/-
Counsel for the Committee GFIL

Mr. B.M.Bedi
Member Committee-GFIL

COMMITTEE - GOLDEN FORESTS (INDIA) LIMITED

(Appointed by the Hon'ble Supreme Court of Indi□)
Chairman's Off:#1065/1,Sector 39-B, Chandigarh-160 036 Tel:0172-2695065
E-mail:committee_gfil@rediffmail.com www.goldenforestcommittee.com

COM/CHD/P-AP-6/2024/*112* March 13, 2024

Gadde Mangamma **Versus** **Committee-GFIL**

ORDER

1. This order shall dispose of the present petition filed by Gadde Mangamma as well as five others connected petitions filed by her siblings. All six petitions are based on same facts and submissions. The petitioners claim to be owners of 34 acres 20 guntas of land in village Raghavpuram, Bibinagar Mandal, District Yadadri Bhongir,Telangana. This property was originally owned by their father Bheemagowni Rajaiah (or B.Rajaiah) who died on 23.5.1982.

The six petitioners are children of B.Rajaiah, namely sons Bheemagowni Mahesh, Bheemagowni Santosh and daughters Gadde Mangamma, Gunuguntla Balamani, Bathini Suvarna, Polagoni Padma. Their mother Gowaramma died intestate on 21.11.2012

2. This Committee is seized of the matter on the basis of directions of the Hon'ble Supreme Court of India dated 15.10.2008 which were as follows:

"In order to facilitate the disbursement due to the investors, the money has to be collected by selling these properties. The Committee is authorised to take, possession of all the properties owned by the respondents. If there are any valid claims in respect of any of these properties by third parties the Committee may consider the same and pass appropriate orders, subject to confirmation by this Court".

3. In nutshell, the petitioners claim that they had obtained judgment in OS No.90/2008. which declared the plaintiffs (petitioners before the Committee) as legal heirs of their late father Bheemagowni Rajaiah, the original owner of the land, who had died on 23.5.1982. On the basis of this declaration of their succession to the estate of B. Rajaiah, a suit for partition and separate possession was filed by Gadde Mangamma on 23.8.2016 by pleading: -

"The defendant No.1 and 2 in collusion with the D-6 to D-8 created the alleged documents with an intention to deprive the legitimate share of the plaintiff and also entered their names in the revenue records in collusion with officials of the concerned Tahsildar. The said sale deeds are not binding on the plaintiff and the same are illegal and void documents. In spite of the several demands, mediations made by the plaintiffs the defendants are blatantly refused for partition and separate possession. "

4. A preliminary decree in their favour in partition suit OS No.136 of 2016 granted by District Judge, Bhongir, Telangana on 25.6.2018. The judgment records as under:

"The defendants No.1 to 8 served with summons but they did not contest the matter and made them as set ex-parte."

5. It may be mentioned that defendant no. 6 was Golden Forest India Ltd and defendant no.7 was Golden Tourist Resorts and Developers Ltd. Both these companies were Golden Forest Group of companies and property was under the custody of this Committee. It may also be noted that B.Mallesh and B.Santosh had also been made parties in this case as defendants not 1 & 2 and they were also proceeded *ex parte*. It may further be noted that the plaintiff's plea against her brothers was that they loo had colluded with the two companies.

6. The court framed issues. Issue no.2 was *"Whether the documents in the name of D-6 to D-8 are null and void and not binding on the plaintiff."* The finding on this issue was *"The documents executed by D-1 and D-2 i.e. Ex-A5 to A-11 are null and void and those documents are liable to be cancelled. "*

7. On the face of it this finding is against the record because D-1 and D-2 did not execute documents in the name of D-7 and D-8 i.e. Ex.A-5 to A-11. This is an obvious error on the face of the record. The sale deeds were executed by Salla Ram Reddy and three others who were not impleaded as defendants in the partition suit. The petitioners do not explain how the subject properly got sold by Salla Ram Reddy and three others. Therefore, in the absence of the seller the sale deeds could not be set aside by holding that these documents were null and void and liable to be cancelled. In any case when a sale deed is cancelled, the property reverts to the sellers, Salla Ram Reddy and others in this case and not to the petitioners.

8. The above preliminary decree was considered in CRP No.2650 of 2022 and connected Civil Revisions in which the Hon'ble High Court of the State of Telangana examined the petitioner's case. But this order does not touch the real controversy which is before this Committee.

9. The final decree has not yet been passed.

10. The effect of the litigation in Telangana courts, on the matter before the Committee-GFIL shall now be considered because what the Committee has on record is something completely different and altogether unconnected with the preliminary decree which the petitioners have obtained in their favour by concealing true facts and misleading the court. It may be mentioned that the declaratory suit OS 90 of 2008, partition suit

OS 136 of 2016 and CRP 2650 of 2022 were decided in the absence of this Committee. Committee's real concern is the partition suit because the property is in the custody of the Committee as the sale deeds were in favour of Golden Forest (India) Limited and Golden Tourist Resort and Developers Ltd.

11. In any event, this Committee was a necessary and proper party and petitioners failed to make the Committee a party in the suit. No decree could be passed in the absence of the Committee. The Committee has filed an application before the court to be impleaded as party, which was allowed from the stage of application for final decree proceedings.

12. The original owner of the subject land was IT Rajaiah who was survived by his widow' Gowramma (now deceased) and six children, two sons and four daughters, who are now petitioners before this Committee. B. Rajaiah's subject land came to be first sold by his sons B.Mahesh and B.Santosh to Salla Ram Reddy (Sale Deed 1525 of 1989). A.Laxmi (Sale Deed 1561 of 1989), R. Mohan Raj (Sale Deed 579 of 1988), Chirra Vijaya Laxmi (Sale Deed 1024 of 1988).

13. The widow and each of the four sisters executed rectification deeds in 1989 in respect above sale deeds stating that they were conveying the subject properties as vendors with regard to the above mentioned sale deeds of 1988 & 1989, and that these sale deeds shall be binding on them. The details of the sale deeds and the rectification deeds are available in the record of this Committee.

14. The two Golden Forest companies purchased the subject land through four sale deeds. Sale deed dated 12.1.1994 was executed by Salla Ram Reddy, sale deed dated 2.2.1996 by Smt.A.Laxmi, Sale deed dated 15.4.1997 by Ram Reddy (as mentioned in the preliminary decree, probably

the seller was B.Mohan Raj) and two sale deeds dated 27.1.1997 by Chirra Vijay Laxmi and another. It is not necessary to give the details of the consideration. Suffice it to say that these sale deeds are valid and transferred valid title to the two Golden Forest companies. Petitioners offer no convincing explanation regarding how the subject land came into the hands of Salla Ram Reddy and three others from whom the two Golden Forest companies purchased the subject lands, except to say that the sale deeds were based on fraud. This finding in OS 136 of 2016 (preliminary decree) was recorded in the absence of the sellers and the buyers, who were proceeded against *ex parte*. The transactions of sale in 1988-89 by B. Mallesh & B. Santosh, rectifications by the widow and her four daughters and acceptance of the sale deeds by them, were deliberately concealed from the court.

15. However, the two companies further illegally transferred the subject lands by sale to N.R. Giridhar Kumar on 11.9.2016, in complete disobedience and violation of order dated 23.11.1998 in Writ Petition No. 344 of 1998 entitled Securities & Exchange Board of India Versus Golden I'orcsls (India) Limited & Ors passed by the High Court of Judicature at Bombay directing as follows:

"The respondent-company and its subsidiaries as well as the Directors are directed not io dispose of any property of the respondent-company or its subsidiaries or its Directors till further orders. "

The above order was reaffirmed by the Supreme Court on 5.9.2006 in Transfer Case (Civil) No.2 of 2004 entitled The Securities & Exchange Board of India v. The Golden Forest (India) Limited, in para 11 of the order.

16. The petitioners' case is that these sale deeds are result of fraud, therefore, the petitioners continued to remain owners of these properties on the basis of having succeeded their father B. Rajaiah. Preliminary

decree had also been passed in their favour by Principal District Judge, Bhongir, Telangana on 25.6.2018.

17. The short question is whether the sale deeds in favour of the two Golden Forests Companies (property mentioned in sale deeds being at present under the custody of this Committee) are result of fraud or not. And this question is to be answered by this Committee after hearing Gadde Mangamma & others.

18. Sh.A.Ushi Reddy, learned Senior Advocate was heard and with his assistance, the documents filed by the petitioners have been examined.

19. It is a well settled principle of law that sale deeds transfer valid title. These registered documents can only be challenged by filing a suit under the Specific Relief Act, 1963. The petitioners, may have rights as successors of late B.Rajaiah, but have given no reason why they have not filed any suit against the sellers and the buyers recorded in the four sale deeds, to get the four sale deeds declared void and get them cancelled. Therefore, these sale deeds stand and remain in full force, giving title of the subject property to the two purchaser Golden forest companies.

20. Without going into other details, it is enough for this Committee to hold that the petitioners have no right, title or interest in the subject property. Therefore, it will not be necessary to examine in detail the judgments or orders passed by various courts in Telangana. The matter is being contested by this Committee as a party to the proceedings before the Bhongir Court, at the stage of passing of the final decree. It is expected that the final decision shall be pronounced after hearing the Committee.

21. The petitioners' claim to the subject property has no basis. Petitions are dismissed.

22. A separate notice be issued to N.R Giridhar Kumar s/o M. Janardhan Rao r/o Plot No.110, Phase - IV, Vanasthalipuram, Hyderabad, calling upon him to show-cause why the subject property which he purchased from two Golden Forest companies on 11.9.2016 should not be taken into possession by this Committee.

Note: A copy of this order be placed on record of the connected cases.

Sd/-	**Sd/-**	**Sd/-**
Justice K.S. Garewal (Retd)	**P.L.Ahuja**	**B.M.Bedi**
Chairman	**Member**	**Member**