

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT. JUSTICE K. SUJANA

CIVIL REVISION PETITION NOs: 506 AND 517 OF 2023

CRP.No. 506 of 2023

Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 15.12.2022 passed in I.A.No. 72 of 2020 in O.S.No. 1274 of 2014 on the file of the Additional Senior Civil Judge, Ranga Reddy District at Ibrahimpatnam.

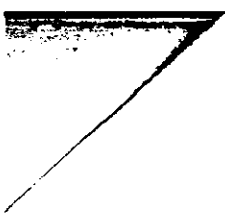
Between:

1. M. Rajendra Prasad, S/o. Late M. Naganna, aged about 65 years, Occ. Medical Practitioner, R/o. Flat No. 101, Glass Building, Muweila, National Paints, Sharjah having temporarily come down to Hyderabad.
2. Smt. C. Suguna Kumari, W/o. M. Rajendra Prasad, Occ. Social Worker/Politician, R/o. Flat No. 101, Glass Building, Muweila, National Paints, Sharjah having temporarily come down to Hyderabad.

...PETITIONERS

AND

1. Khalid Bin Shaik Mohammed Al- Amoodi (DIED), S/o. Shaik Mohd Bin Amoodi, aged about 59 years, Occ. Business, R/o. 19-3-198/32/33, Madina Nagar, Yakhutpura, Hyderabad.
2. Mohd. Saleem (DIED), S/o. Late Mohd. Chand, Aged about 43 years, Occ. Business, R/o. 22-3-28/29, Darab Jung Colony Lane, Yakutpura, Hyderabad.
3. Mohd. Hameed Khan, S/o. Mohd. Mahamood, Aged about 41 years, Occ. Business, R/o. 16-7-22/2/A, Azampura, Hyderabad.
4. Mohd. Osman, S/o. Mohd. Yakoob, Aged about 61 years, Occ. Business, R/o. H.No. 16-7-22/1, Azampura, Hyderabad.
5. Salma Begum, W/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 59 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
6. Faisal Bin Khaled Al Amoodi, S/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 42 years, Occ Business, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
7. Ayesha Rizwana, D/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 38 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.

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8. Fawwad Bin Khalid Al-Amoodi, S/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 39 years, Occ Business, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
 9. Khatija Maimoona, D/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 38 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
 10. Mareyam Asma, D/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 36 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
 11. Hafsa Reshma, D/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 35 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
 12. Fahad Bin Khalid Al Amoodi, S/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 33 years, Occ Business, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
 13. Hamad Bin Khalid Al Amoodi, S/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 32 years, Occ Business, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
 14. Humera Haseena, D/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 30 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
 15. Najma Sana, D/o. Late Khalid Bin Shaik Mohammad Al-Amoodi, Aged about 28 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
 16. Saba Sufia, D/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 27 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
 17. Fauzan Bin Khalid Al Amoodi, S/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 23 years, Occ Business, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad

(RR5 TO 17 ARE BROUGHT ON RECORD AS LRS OF THE DECEASED R1 AS PER C.O, DT.31/10/2023 IN IA.NO.3/2023)

18. Ghousia Begum, W/o. Late Mohd Saleem, Aged about 38 years, Occ Housewife, R/o. 22-3-28/29, Darab Jung Lane, Yakutpura, Hyderabad.
19. Mohd Basheer, S/o. Late Mohd Saleem, Aged about 25 years, Occ Business, R/o. 22-3-28/29, Darab Jung Lane, Yakutpura, Hyderabad.
20. Mohd Salman, S/o. Late Mohd Saleem, Aged about 24 years, Occ Business, R/o. 22-3-28/29, Darab Jung Lane, Yakutpura, Hyderabad.
21. Mohd Sameer, S/o. Late Mohd Saleem, Aged about 24 years, Occ Business, R/o. 22-3-28/29, Darab Jung Lane, Yakutpura, Hyderabad.

(RR18 TO 21 ARE BROUGHT ON RECORD AS LRS OF THE DECEASED R2 AS PER C.O, DT.31/10/2023 IN IA.NO.4/2023)

...RESPONDENTS

I.A.NO: 1 OF 2023

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Order and Decree dated 15.12.2022 passed in I.A. No. 72 of 2020 in O.S. No. 1274 of 2014 by the Additional Senior Civil Judge, Ranga Reddy District at Ibrahimpatnam pending disposal of the Civil Revision Petition.

I.A.NO: 2 OF 2023

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all the proceedings in O.S.No. 1274 of 2014 on the file of Additional Senior Civil Judge, Ranga Reddy at Ibrahimpatnam pending disposal of the Civil Revision Petition.

CRP.No. 517 of 2023

Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 15.12.2022 passed in I.A.No. 73 of 2020 in O.S.No. 1274 of 2014 on the file of the Additional Senior Civil Judge, Ranga Reddy District at Ibrahimpatnam.

Between:

1. M. Rajendra Prasad, S/o. Late M. Naganna, aged about 65 years, Occ. Medical Practitioner
 2. Smt. C. Suguna Kumari, W/o. M. Rajendra Prasad, Occ. Social Worker/Politician
- Both are R/o. Flat No. 101, Glass Building, Muweila, National Paints, Sharjah, having temporarily come down to Hyderabad

...PETITIONERS/DEFENDANTS

AND

1. Khalid Bin Shaik Mohammed Al- Amoodi (DIED), S/o. Shaik Mohd Bin Amoodi, aged about 59 years, Occ. Business, R/o. 19-3-198/32/33, Madina Nagar, Yakhutpura, Hyderabad.
2. Mohd. Saleem (DIED), S/o. Late Mohd. Chand, Aged about 43 years, Occ. Business, R/o. 22-3-28/29, Darab Jung Colony Lane, Yakutpura, Hyderabad
3. Mohd. Hameed Khan,, S/o. Mohd. Mahamood, Aged about 41 years, Occ. Business, R/o. 16-7-22/2/A, Azampura, Hyderabad
4. Mohd. Osman, S/o. Mohd. Yakoob, Aged about 61 years, Occ. Business, R/o. H.No. 16-7-22/1, Azampura, Hyderabad
5. Salmaa Begum, S/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 59 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
6. Faisal Bin Khaled Al Amoodi, S/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 42 years, Occ Business, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.

7. Ayesha Rizwana, D/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 38 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
8. Fawwad Bin Khalid Al Amoodi, S/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 39 years, Occ Business, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
9. Khatija Maimoona, D/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 38 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
10. Mareyam Asma, D/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 36 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
11. Hafsa Reshma, D/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 35 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
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13. Hamad Bin Khalid Al-Amoodi, S/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 32 years, Occ Business, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
14. Humera Haseena, D/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 30 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
15. Najma Sana, D/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 28 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.
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17. Fauzan Bin Khalid Al Amoodi, S/o. Late Khalid Bin Shaik Mohammed Al-Amoodi, Aged about 23 years, Occ Housewife, R/o. 17 - 3 - 198/32/33, Madina Nagar, Yakutpura, Hyderabad.

(RR5 TO 7 ARE BROUGHT ON RECORD AS LRS OF THE DECEASED R1 AS PER C.O, DT.31/10/2023 IN IA.NO.3/2023)

18. Ghousia Begum, W/o. Late Mohd Saleem, Aged about 38 years, Occ Housewife, R/o. 22 - 3 - 28/29, Darab Jung Lane, Yakutpura, Hyderabad.
19. Mohd Basheer, S/o. Late Mohd Saleem, Aged about 25 years, Occ Business, R/o. 22 - 3 - 28/29, Darab Jung Lane, Yakutpura, Hyderabad.
20. Mohd Salman, S/o. Late Mohd Saleem, Aged about 24 years, Occ Business, R/o. 22 - 3 - 28/29, Darab Jung Lane, Yakutpura, Hyderabad.

21. Mohd Sameer, S/o. Late Mohd Saleem, Aged about 24 years, Occ Business,
R/o. 22 - 3 - 28/29, Darab Jung Lane, Yakutpura, Hyderabad.
(RR18 TO 21 ARE BROUGHT ON RECORD AS LRS OF THE DECEASED
R2 AS PER C.O, DT.31/10/2023 IN IA.NO.4/2023)

...RESPONDENTS

I.A. NO: 1 OF 2023

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Order and Decree dated 15.12.2022 passed in I.A.No. 73 of 2020 in O.S.No.1274 of 2014 by the Additional Senior Civil Judge, Ranga Reddy District at Ibrahimpatnam pending disposal of the Civil Revision Petition.

I.A. NO: 2 OF 2023

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all the proceedings in O.S.No.1274 of 2014 on the file of Additional Senior Civil Judge, Ranga Reddy at Ibrahimpatnam pending disposal of the Civil Revision Petition.

Counsel for Petitioners : Sri K.V. RUSHEEK REDDY (in both)

Counsel for Respondents : Sri M.A.BASITH (in both)

The Court made the following: COMMON ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CIVIL REVISION PETITION Nos.506 and 517 of 2023

COMMON ORDER:

C.R.P.No.506 of 2023 arises out of order dated 15.12.2022 passed in I.A.No.72 of 2020 in O.S.No.1274 of 2014 by the learned Additional Senior Civil Judge, Ranga Reddy District at Ibrahimpatnam.

2. C.R.P.No.517 of 2023 arises out of order dated 15.12.2022 passed in I.A.No.73 of 2020 in O.S.No.1274 of 2014 by the learned Additional Senior Civil Judge, Ranga Reddy District at Ibrahimpatnam.

3. Brief facts of the case are that the petitioners are defendants No.2 and 3 in the aforesaid suit. It is their case that petitioner No.1 is a medical practitioner and is a resident of Sharjah, United Arab Emirates and they intermittently travel to India. They purchased the suit schedule property i.e., agricultural dry land admeasuring Ac.01-00 gts in Sy.No.1/1, situated at Raviryal Village, Maheswaram Mandal, Ranga Reddy District from one Mohd. Azeemudin *vide* sale deed document No.12153 of 2003 dated 24.09.2003, but they have not utilized the same. Apart from the said land, the petitioners have also purchased other parcels of

land, which are located near to the suit schedule property and have been undertaking farming activities in those lands.

4. While so, a theft occurred in one of the parcels of land owned by the petitioners and one G. Avinash, who is the caretaker of those lands, visited Pahadi Shareef Police Station during the month of October, 2017 for lodging a complaint on behalf of the petitioners. While so, the Police have informed the said Mr. G. Avinash to furnish some details on the ground that another complaint was also lodged on behalf of the petitioners by some third person and the details were required for the purpose of investigation in the said complaint. On further enquiry, the said Mr. G. Avinash was informed that a suit was also filed by some other third parties against the petitioners in respect of the suit schedule property, which is pending before the Ranga Reddy District Court.

5. The petitioners were shocked to hear about the alleged police complaint being lodged by some third party and they immediately engaged a counsel on whose enquiry, they came to know that the present suit was filed seeking specific performance of an alleged agreement of sale and that the plaintiffs filed the suit against the defendants seeking specific performance of alleged agreement of

sale, which they claim to have been executed by defendant No.1 on behalf of defendant Nos.2 and 3 for the purpose of selling the suit schedule property in favour of the plaintiffs and that the suit is filed against one K. Sharadha Reddy claiming to be the GPA Holder for the petitioners herein.

6. The petitioners contend that they never executed any GPA in favour of any person much less in favour of said K. Sharadha Reddy. The alleged GPA possessed by the said Ms. K. Sharadha Reddy is a sham, fabricated, fraudulent and concocted document.

7. It is further submitted that the petitioners have also not executed any agreement of sale-cum-GPA with possession in favour of defendant No.1 i.e., Mohammed Osman authorizing him to enter into any transactions with any person in respect of suit schedule property and that the plaintiffs in collusion with defendant No.1, the said K. Sharadha Reddy and others have conspired to knock away the suit schedule property belonging to the petitioners. The petitioners reserve their right to initiate appropriate criminal proceedings against the plaintiffs and defendant No.1 and K. Sharadha Reddy who are involved in the said conspiracy and prayed the Court to strike off and discard the written statement, affidavits, counter affidavits, pleadings, memos, documents, written

submissions *etc.* on behalf of defendant Nos.2 and 3 and to permit to file the same afresh and also to permit the petitioners to engage a new counsel and to strike off the names of their earlier counsels. Hence, the petitioners filed the above two petitions.

8. Respondents/plaintiffs filed counter affidavit denying the averments of the petitioners. It is stated that they issued notice to the petitioners through Registered Post on 05.07.2014, which was received by them on 07.07.2014. Despite receiving the notice, the petitioners filed the petitions. It is submitted that when the petitioners received in the year 2014 itself and were informed of the case facts by their caretaker in the year 2017, they ought to have filed documents to support their case, more particularly, the reason for such a long delay from 2018. Moreover, nowhere in the petition, the petitioners mentioned that they are in the possession of the suit schedule property. Whereas these respondents are in possession in terms of valid agreement of sale and have been paying the electricity bills till date. It is further submitted that they are having the legitimate protected rights in the schedule property and have constructed a compound wall and tin shed rooms along with main gate with watchman along his family. As such, it is

stated that the petitioners have filed the petitions with false and concocted grounds just to prolong the litigation.

9. The said GPA holder had not filed any counter. The respondent/plaintiff filed counter denying the averments of the petition and prayed the Court to dismiss the petition.

10. The trial Court after hearing on both sides, dismissed the petitions stating that the said K. Sharadha Reddy sought permission from the Court vide I.A.No.502 of 2015 to represent the petitioners and accordingly, she filed written statement on behalf of the petitioners/defendant Nos.2 and 3 on 26.08.2015. The said suit is coming up for framing of issues. In the written statement filed by the GPA holder of the petitioners, she has denied the case of the plaintiffs and also pleaded that, she filed complaint against the plaintiffs and defendant No.1 before the learned XIV Metropolitan Magistrate, Cyberabad, L.B.Nagar for forging the documents etc., Hence, the pleadings made on behalf of the petitioners by the GPA holder are not against the case of the petitioners/defendant Nos.2 and 3 and also observed that they have not filed any document to show that they had cancelled the GPA in favour of said K.Sharada Reddy and no criminal

proceedings were initiated against the said K. Sharadha Reddy. Accordingly, the trial Court dismissed both the petitions.

11. Heard Sri K.V. Rushik Reddy, learned counsel for the petitioners as well as Sri M.A. Basith, learned counsel appearing on behalf of the respondents.

12. Learned counsel for the petitioners would submit that the petitioners are the original owners of the suit schedule property and that they have never executed any GPA in favour of K. Sharadha Reddy to act on their behalf. The plaintiffs created false documents of the suit schedule property. Hence, the petitions filed by them ought to have been allowed by the trial court.

13. On the other hand, learned counsel for the respondents would submit that the petitioners filed these petitions with ulterior motive, by colluding with GPA holder, to grab amount from the respondents as the property value is in hike. That apart, the petitions are not maintainable as the petitioners failed to file any documents in support of their case. As such, he prayed to dismiss the petitions.

14. Having regard to the rival submissions made by both the learned counsel and having gone through the material available on

record, there are no documents filed either on behalf of the petitioners or on behalf of the respondents. The petitioners have not filed any documents to prove that they gave complaint against the said K. Sharadha Reddy and the signatures on the documents filed on behalf of the respondents were not executed by them. The respondents have also not filed any documents to prove that they served notice on the petitioners while entering into the contract with said K. Sharadha Reddy, although they mentioned that they sent notice to the petitioners in the year 2004 itself and the same was received by the petitioners. If any agent is acting on behalf of the petitioners, it is for them to take action against the said agent for proceeding against the interest of the petitioners. The petitioners came to know about the pendency of the suit in the year 2017 but filed the petitions belatedly in the year 2018, which were dismissed by the trial court by the impugned order. The petitioners also prayed the Court to cancel the vakalat of their counsel and permit them to appoint advocates of their choice and also to permit them to file written statement afresh.

15. Learned counsel for the petitioners relied on the judgment of the Hon'ble Supreme Court in the case between **Deb Ratan**

Biswas and others vs. Most. Anand Moyi Devi and others¹, para 12 of the judgment held as follows:

“12. The High Court has also held that if Dr. Sanjeev Kumar Mishra was not willing to sign the compromise petition his unwillingness should have been mentioned in the compromise petition. This also is a strange reasoning. It is well-settled that even after execution of a power of attorney the principal can act independently and does not have to take the consent of the attorney. The attorney is after all only an agent of the principal. Even after executing a power of attorney the principal can act on his own.”

16. In the present case, the facts are different. Here, the petitioner denied execution of GPA itself, whereas, no evidence is there to prove that he had taken action against said agent. Further, principal can act independently. Therefore, the petitioners can engage counsels of their choice.

17. As regards striking off written statement and affidavits, which are filed by the GPA holder, the same cannot be permitted at this stage. If at all the petitioners want to file any new information, they can file additional written statement by engaging the counsel of their choice.

18. With these observations, the Civil Revision Petitions are dismissed by confirming the orders dated 15.12.2022 passed in I.A.No.72 of 2020 and I.A.No.73 of 2020 in O.S.No.1274 of 2014 by

¹ 2011 SCC OnLine SC 633

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the learned Additional Senior Civil Judge, Ranga Reddy District at Ibrahimpatnam. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

Sd/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Senior Civil Judge, Ranga Reddy District at Ibrahimpatnam.
2. One CC to Sri K.V.RUSHEEK REDDY, Advocate [OPUC]
3. One CC to Sri M.A.BASITH, Advocate [OPUC]
4. **Two CD Copies**

NJB



HIGH COURT

DATED:29/12/2023



COMMON ORDER

CRP.Nos.506 & 517 of 2023

DISMISSING BOTH THE CIVIL REVISION PETITIONS

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5/1/24