

HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
FRIDAY, THE TWENTY NINTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY THREE  
PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR  
CIVIL REVISION PETITION NO: 2834, 2837 AND 2839 OF 2023

COMMON C.T. IN ALL THE C.R.Ps :

Between:

1. Smt Shanta Bai (died) per LRs.,
2. Kishen Chand S/o Mahesh Chand
3. Karan Chand, S/o Mahesh Chand
4. Rajini Chand, D/o Mahesh Chand
5. Miss Padmini Chand, D/o Mahesh Chand
6. Poonam Chand, S/o Mahesh Chand,  
All are R/o H. No. 7-1-95, Ameerpet, Hyderabad

...REVISION PETITIONERS/DEFENDANTS IN ALL CRP'S  
AND

Mr. B. Janardhan Reddy, S/o Late Anantha Reddy Aged about 62 years, Occ .  
Business R/o Plot No. 535, Road No. 12, Banjara Hills, Hyderabad

...RESPONDENT/PLAINTIFF IN ALL CRP'S

C.R.P.No.2834 of 2023 :

Petition under Article 227 of the Constitution of India, against the order  
in I.A.No.2347 of 2017 in O.S.No.18 of 2005 (New O.S.No.51 of 2023 on the file  
of the III Additional District & Sessions Judge-Cum-II Addl Metropolitan  
Sessions Judge Cum Principal Family Court, Medchal, Malkajgiri District at  
Kukatpally.

IA NO: 1 OF 2023 IN C.R.P.NO.2834 OF 2023

Petition under Section 151 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 further proceedings in OS No. 51/ 2023 on the file of Third Additional District  
And Sessions Judge-Cum-II Additional Metropolitan Sessions Judge-Cum-  
Principal Family Court, Medical-Malkajgiri District at Kukatpally, pending disposal  
of the CRP.

**C.R.P.No.2837 of 2023 :**

**Petition under Article 227 of the Constitution of India, against the order in I.A.No.2348 of 2017 in O.S.No.18 of 2005 (New O.S.No.51 of 2023 on the file of the III Additional District & Sessions Judge-Cum-II addl Metropolitan Sessions Judge Cum Principal Family Court, Medchal, Malkajgiri District at Kukatpally.**

**IA NO: 1 OF 2023 IN C.R.P.NO.2837 OF 2023**

Petition under Section 151 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 further proceedings in OS No. 51/ 2023 on the file of Third Additional District And Sessions Judge-Cum-II Additional Metropolitan Sessions Judge-Cum-Principal Family Court, Medical-Malkajgiri District at Kukatpally, pending disposal of the CRP.

**C.R.P.No.2839 of 2023 :**

**Petition under Article 227 of the Constitution of India, against the order dated 31.01.2019 made in C.R.P.No.7301 of 2018 against I.A.No.2346 of 2017 in O.S.No.18 of 2005 (New O.S.No.51 of 2023 on the file of the III Additional District & Sessions Judge-Cum-II Additional Metropolitan Sessions Judge Cum Principal Family Court, Medchal, Malkajgiri District at Kukatpally.**

**IA NO: 1 OF 2023 IN C.R.P.NO.2839 OF 2023**

Petition under Section 151 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 further proceedings in OS No. 51/2023 on the file of Third Additional District And Sessions Judge-Cum-II Additional Metropolitan Sessions Judge-Cum-Principal Family Court, Medical-Malkajgiri District at Kukatpally, pending disposal of the CRP.

**Counsel for the Petitioners : SRI. SRIKANTH HARIHARAN**

**Counsel for the Respondents : ---**

**The Court made the following: COMMON ORDER**

**THE HON'BLE SRI JUSTICE T. VINOD KUMAR**

**CRP Nos.2834, 2837 and 2839 of 2023**

**COMMON ORDER:**

1. Since these revisions arise out of the common docket order dated 01.09.2023 passed in O.S. No.51 of 2023 (previously numbered as O.S. No.18 of 2005) passed by the III Additional District and Sessions Judge-cum-II Additional Metropolitan Sessions Judge-cum-Principal Family Court, Medchal-Malkajgiri District, at Kukatpally, they are being disposed of by this common order.
2. C.R.P. No.2834 of 2023 arises out of I.A. No.2347 of 2017 filed under Section 151 of the Code of Civil Procedure, 1908 (for short 'the Code') seeking to attach the ground and first floors of suit scheduled properties for disobedience or breach of the restrain orders.
3. C.R.P. No.2837 of 2023 arises out of I.A. No.2348 of 2017 filed under Section 151 of the Code seeking to direct the Station House Officer P.S. Sanathnagar, Hyderabad to provide police aid to the petitioners to implement the injunction order dated 14.10.2015 in I.A. No.652 of 2015 in O.S. No.18 of 2005 to enable

the petitioners to reconstruct the stair case leading to the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the suit scheduled property.

4. C.R.P. No.2839 of 2023 arises out of I.A. No.2346 of 2017 filed under Order 26 Rule 9 R/w. Section 151 of the Code seeking to appoint an Advocate/Commissioner for local inspection to find out whether the stair case of the suit scheduled property is in existence or demolished from the 1<sup>st</sup> to the 3<sup>rd</sup> floor and to take measurement of the plinth area of the ground and 1<sup>st</sup> floor of the building with the help of licensed Civil Engineer.

5. Heard Sri. Srikanth Hariharan, learned counsel for the Petitioner and perused the record.

6. Petitioners herein are the Defendant Nos.1 to 6 in the suit filed for specific performance. The Respondents No.1 herein is the Plaintiff in the suit.

7. The peculiar facts of the case are that the instant suit was initially filed *vide* O.S. No.18 of 2005, before the Principal District Judge, Ranga Reddy District at L.B. Nagar. On account of bifurcation of the District, the same was transferred to the file of I Additional District and Sessions Judge-cum- Metropolitan Judge,

Medchal-Malkajgiri District at Malkajgiri and was renumbered as O.S. No.104 of 2022. Thereafter the matter was heard and reserved for pronouncement of judgment on 18.01.2023 by the Court of Principal District Judge, at Malkajgiri, holding full additional charge of the Court of I Additional District and Sessions Judge-cum-Metropolitan Judge, at Malkajgiri, Medchal-Malkajgiri District.

8. At that stage a regular officer was appointed to the Court of I Additional District and Sessions Judge- cum-Metropolitan Judge, Medchal-Malkajgiri District at Malkajgiri, and thus the case was reopened for hearing on 20.02.2023. Thereafter, on an objection raised by the petitioners herein, the Court below passed the docket order dated 13-03-2023 transferring the case to the Court of III Additional District Judge, Medchal-Malkajgiri District at Kukatpally on point of territorial jurisdiction. Aggrieved by the same, the Respondent herein approached this Court *vide* C.R.P. No. 949 of 2023.

9. This Court on 21.04.2023 dismissed the said revision. However, noticing that the suit was instituted in 2005 and was previously reserved for pronouncement of judgment, this Court

directed the Court below to dispose of the same as expeditiously as possible after hearing both the parties preferably within a period of three (3) months.

10. While so, learned Counsel for the petitioner herein contends that the Court below passed the impugned docket order on 01.09.2023 that no petitions would be considered and posted the matter to 22.09.2023 for reply arguments. Learned Counsel for the petitioner further contends that the Court below ought to have taken into consideration the order passed by this Court in C.R.P. No.7301 of 2018 dated 31.01.2019 while complying with the orders passed by this Court in C.R.P. No.949 of 2023. He further contends that the Court below ought not to have proceeded with the arguments in the main case without disposing of the interlocutory applications filed before it.

11. I have taken note of the contentions urged.

12. The impugned docket order dated 01.09.2023 reads as under:

*"Smt. G.Shanthi filed Vakalath for D4, D5 and D7 and requested time for arguments. Already in this case there is a direction from the High Court to dispose the case in 3 months. The matter is received by this court at the stage of defence arguments. Already specific order passed on the last adjournment that if the defendant did not get ready for arguments today it will be treated as heard and no petitions will be considered. Now the defendants changed the*

*advocate for gaining time. Hence not inclined to grant any adjournment. Treated as heard the defendants. For reply, call on 22.09.2023.*

13. Though the petitioners herein contended that the Court below refused to dispose pending interlocutory applications before the final disposal of the matter, a reading of the above order makes it clear that the same was passed since the petitioners herein requested time for arguments despite a specific order being passed on the previous hearing that neither any adjournments would be granted nor any petitions would be considered.

14. Admittedly the said previous order of the Trial Court is not in challenge under the present revisions. Therefore, this Court is of the view that any consideration into the same would exceed the scope of these revisions.

15. However, a perusal of the order of this Court in C.R.P. No. 7301 of 2018 reveals that the petitioner herein approached this Court against the earlier order in I.A. No.2346 of 2017 dated 14.08.2018 rejecting the appointment of advocate commissioner to ascertain whether the staircase of the building from the 1<sup>st</sup> floor to 3<sup>rd</sup> floor of the building is in existence or demolished. This Court taking note that an order of temporary injunction was passed in I.A.

No.652 of 2015 restraining the respondents herein from interfering with the access of the petitioners to the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the suit scheduled property, and that the alleged demolition if undertaken by the respondents willfully, the same would amount to committing contempt of the temporary injunction order in I.A. No. 652 of 2015, partly allowed the said revision.

16. Though the petitioners herein contend that the Court below ought to act in accordance with the orders of this Court in C.R.P. No.7301 of 2018, it is to be seen that the said revision was ordered on 31.01.2019 when the matter was still pending consideration before the first Court *i.e.*, I Additional District and Sessions Judge-cum-Metropolitan Judge, Medchal-Malkajgiri District at Malkajgiri. Thereafter, the instant suit was transferred and also reserved for pronouncement of judgment. Evidently three years have elapsed since the order dated 21.01.2019 was passed, thereafter the petitioners herein for reasons best known to them have failed to initiate appropriate steps for non-compliance of the orders of this Court. The conduct of the petitioners herein in agitating the said issue only after the Court below refused to grant adjournment for their arguments in view of the time frame fixed by

this Court for expeditious disposal of the main suit, suggests that same is a litigation strategy employed to delay the proceedings. That apart it is pertinent to note that the instant suit stands posted to 08.11.2023 for judgment.

17. Therefore, this Court is of the view that the impugned docket order dated 01.09.2023 does not warrant any interference by exercising the supervisory jurisdiction of this Court conferred under Article 227 of the Constitution of India.

18. Accordingly, these revisions are dismissed.

Pending miscellaneous applications if any shall stand closed.

No order as to costs.

SD/- B. SARASWATHI  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional District & Sessions Judge-Cum-II addl Metropolitan Sessions Judge Cum Principal Family Court, Medchal, Malkajgiri District at Kukatpally.
2. One CC to Sri Srikanth Hariharan , Advocate (OPUC)
3. Two CD Copies

Ks/jak

PR

**HIGH COURT**

**DATED:29/09/2023**



**ORDER**

**CRP.No.2834, 2837 and 2839 of 2023**

**Dismissing the C.R.Ps  
Without costs**

5 copies

PP  
3/1/24