

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

FRIDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CIVIL REVISION PETITION NO: 3932 OF 2024

Petition Under Article 227 of Constitution of India aggrieved by the Docket Order dated 26-11-2024 in I.A.No. 1189 of 2024 in O.S.No. 97 of the file of the XVII Additional Senior Civil Judge, City Civil Court, Hyderabad.

Between:

Dr.Santha Ram, S/o Late.Ch.Suryaprakasa Rao, Aged about 68 years, Occ.-Doctor, Sri Sai Mother and Child Clinic, Near Deepa Mahal, G.T.Road, Srikalkularn.

...PETITIONER/ Petitioner/Defendants

AND

1. Muppana Sudha Rani, W/o Sri.Muppana Ramamohan Rao Aged about 58 years, Occ.-Housewife, Rio H.No.-52-2-2,Rajendranagar, Near 16 Taps, Rajahmundry-503103.
2. Ch.Sakuntala, W/o Suryaprakash Rao, C/o Dr.Santha Ram, S/o P.Ramakrishna, Aged about 86 years, Occ.-Housewife, Sri Sai Mother and Child Clinic, Near Deepa Mahal, G.T.Road, Srikalulam.
3. Ch.Sridhar, S/o Late.Ch.Suryaprakasa Rao, Aged about 63 years, Occ.-Retired, Sri Sai Mother and Child Clinic, Near Deepa Mahal, G.T.Road, Srikalulam.

...RESPONDENTS/ Respondent/ Plaintiff

IA NO: 1 OF 2025

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 vacate the stay order in IA No. 1 of 2024 in CRP No. 3932 of 2024 dated 13/12/2024 in the interest of justice.

IA NO: 1 OF 2024

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 of all further proceedings in O.S.No.97 of 2023 on the file of XVII Additional Senior Civil Judge, City Civil Court at Hyderabad, pending disposal of the main Civil Revision Petition.

Counsel for the Petitioner: SRI. V. JAYAKAR RAO

Counsel for the Respondents: SRI SURABHI KAKKAD

The Court made the following ORDER:

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

C.R.P.No.3932 of 2024

ORDER: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

Aggrieved by the order dated 26.11.2024 passed in I.A.No.1189 of 2024 in O.S.No.97 of 2023 by the XVII Additional Senior Civil Judge, City Civil Court, Hyderabad, the present civil revision petition has been filed.

2. Heard Sri V.Jayakar Rao, learned counsel appearing for the petitioner and Sri Surabhi Kakkad, learned counsel appearing for the respondents.

3. Learned counsel appearing for the petitioner had contended that the petitioner is defendant No.2 and the 1st respondent-plaintiff has filed O.S.No.97 of 2023 for partition and separate possession and in the said suit, the petitioner-defendant No.2 has filed I.A.No.1189 of 2024 to recall PW1 for cross examination. However, the said petition was dismissed by the trial Court.

4. Learned counsel for the petitioner had further contended that as a last indulgence and in the interest of justice, one more opportunity be given to the petitioner to recall PW1 for cross-examination.

5. Learned counsel for the respondents had contended that PW1 was present on three occasions, but the petitioner did not choose to cross-examine PW1. However, let the petitioner be permitted to cross examine PW1.

6. Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the ends of justice would be met if PW1 is recalled so as to enable the petitioner to cross examine PW1 as a last indulgence. The trial Court is directed to permit the petitioner to recall PW1 for cross examination. It is made clear that the petitioner shall avail such an opportunity and complete the cross-examination of PW1 on 03.03.2025 on which date the case is listed before the trial Court.

7. With the above observations, the Civil Revision Petition is disposed of. It is made clear that on 03.03.2025, the petitioner shall cross-examine PW1 and PW1 shall be present before the trial Court on the said date. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

Sd/- P. PADMANABHA REDDY,
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The XVII Additional Senior Civil Judge, City Civil Court , Hyderabad.
2. One CC to SRI. V. JAYAKAR RAO, Advocate [OPUC]
3. One CC to SRI. SURABHI KAKKAD, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

AKSJ

DATED:28/02/2025



ORDER

CRP.No.3932 of 2024

DISPOSING OF THE CIVIL REVISION PETITION

WITHOUT COSTS

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6/6/25