

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

C.R.P. No.1169 of 2016

Between:

C.Vijay Kumar Reddi

...

Petitioner

And

Krishna Plaza Occupants Association and others

...

Respondents

JUDGMENT PRONOUNCED ON 09.03.2016

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THE HON'BLE SRI JUSTICE G. CHANDRAIAH

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

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C.R.P. No.1169 2016

ORDER:

This revision petition has been filed aggrieved by the docket order from dated 28.12.2015 to 10.02.2016 passed in I.A. No.1469 of 2015 in O.P. No.2604 of 2015 by the XI Additional Chief Judge, City Civil Court at Hyderabad.

The said O.P. has been filed by the petitioner, *inater alia*, seeking to declare the body of the respondent Nos.2 to 8 as null and void and set aside the same besides seeking to grant injunction restraining the respondent No.2 to 8 from performing their duties as office bearers of the respondent No.1.

Brief facts of the case are that the petitioner stated to be the owner of certain shops in the building complex known as Krishna Plaza and the parking slots allotted to his flats are under his share. It is averred in the affidavit, filed in support of this revision petition, that the 1st respondent registered as a Society under the provisions of A.P. Societies Registration Act, 2001 on 01.10.2014 with the Registrar of Societies, Hyderabad (South) vide Registration No.853 of 2014 with its registered office situated within the premises of 6-2-953, Office No.204 II Floor, Krishna Plaza, Khairatabad, Hyderabad. It is also averred that the respondents

2 to 8 are acting themselves as office bearers of the said Society without there being any election and are obstructing the parking slots pertaining to the petitioner by not permitting the tenants of the petitioner to park their vehicles in the allotted slots and demanding his tenants to pay the rental amounts from September, 2015 to the Society. Aggrieved by the actions of the respondents, the petitioner filed the said O.P. Along with the said O.P. the petitioner also filed I.A. No.1469 of 2015 seeking injunction restraining the respondents 2 to 8 from performing their duties as office bearers of the Society.

In the said application, the Court below on 28.12.2015 and thereafter made the following endorsement that "*Heard the learned counsel for the petitioner. Issue urgent notice to respondents through R.P./courier. Call on 07.01.2016. Dated*

07.01.2016 – Issue Notice to Respondents. Call on 25.01.2016. Dated 25.01.2016 – Await Notice of Respondents. Call on 10.02.2016. Dated 10.02.2016 – Await Notice of Respondents. Call on 04.04.2016. Aggrieved by the same, the petitioner filed the present revision petition.

The learned counsel for the petitioner submits that though there is urgency in the matter, the Court below went on adjourning the matter from time to time and for which, there is every chance of petitioner's irreparable loss and therefore, he requested to direct the Court below to take up the matter urgently.

Heard the learned counsel for the petitioner and perused the material on record.

As could be seen, on the date of filing the petition by the petitioner i.e. on 28.12.2015 itself the Court below heard the petitioner and directed to issue urgent notice to the respondents and thereafter, as the notice has not been served on the respondents the matter was adjourned for want of service of notice. Therefore, there is nothing to find fault with the Court below. However, when the petitioner himself feels that the matter requires urgent hearing nothing prevented him in making a request to the Court below for seeking permission to serve personal notice on the respondents and file proof of service thereof so as to enable the Court below to proceed further in the matter in accordance with law. There is nothing on record that the petitioner has taken such action.

In that view of the matter, I do not see any reason to say that the Court below has committed any error and therefore, this revision petition is liable to be dismissed and accordingly, this revision petition is dismissed.

As a sequel, miscellaneous petitions, if any, stands closed.
There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

Date: 09.03.2016
LSK