

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

[Special Original Jurisdiction]

WEDNESDAY THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND SEVENTEEN

PRESENT

**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO**

CIVIL MISCELLANEOUS APPEAL No. 34 OF 2017

Between:

TATA CAPITAL LIMITED
Road No.3, Banjara Hills, Hyderabad
Represented by Sri Subhash Toppo,
Senior Manager & Anr. ... Appellants/Defendants 1 & 2

V/s.

MADHUCON INFRA LIMITED,
Road No.36, Jubilee Hills,
Hyderabad & Anr. ... Respondents/Plaintiffs

Counsel for the appellants:

Ms. SHIREEN SETHNA BARIA

Counsel for the Respondents:

None appeared

The court made the following:

[order follows]

**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO**

CIVIL MISCELLANEOUS APPEAL No. 34 OF 2017

J U D G M E N T : {Per the Hon'ble Sri Justice Suresh Kumar Kait}

Aggrieved by the extension of interim order till further orders passed by the XXV Additional Chief Judge, [Fast Track Court], City Civil Court, Hyderabad, vide order dated 14/12/2016 in I.A.No. 899 of 2016 in OS.No. 317 of 2016, this Civil Miscellaneous Appeal is filed by the appellants/defendants 1 and 2.

2. Heard Sri Raghunandan, learned Senior Counsel representing Ms. Shireen Sethna Baria, learned counsel for the appellants and none appeared on behalf of the respondents/plaintiffs.

3. It is admitted by the learned Senior Counsel for the appellants that the respondents have filed the suit which is pending

before the Court below and O.S.No. 317 of 2016 is directed to be transmitted to Commercial Court.

4. Keeping in view the averments made in the grounds of memorandum of Civil Miscellaneous Appeal and submission of the counsel for the appellants, we deem it appropriate to direct the appellants to approach the Commercial Court and raise the grounds which are now raised in this Civil Miscellaneous Appeal.

5. On transmission of I.A.No.899 of 2016 in OS.No. 317 of 2016 from the Court of XXV Additional Chief Judge, City Civil Court, Hyderabad, the Commercial Court is directed to dispose of I.A.No. 899 of 2016 in OS.No. 317 of 2016 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this judgment, after affording reasonable opportunity of hearing the appellants and respondents.

6. In view of the above direction, this Civil Miscellaneous Appeal is disposed of at the admission stage. No costs.

7. As a sequel, miscellaneous petitions if any, pending in this
Civil Miscellaneous Appeal shall stands disposed of.

JUSTICE SURESH KUMAR KAIT.

JUSTICE U. DURGA PRASAD RAO.



18/01/2017
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**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO**

CIVIL MISCELLANEOUS APPEAL No. 34 OF 2017
{Per the Hon'ble Sri Justice Suresh Kumar Kait}



Date: 18/01/2017
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Court Master : l s L