IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

FRIDAY ,THE EIGHTEENTH DAY OF DECEMBER

TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE JUSTICE G. SRI DEVI

CIVIL REVISION PETITION NO: 609 AND 614 OF 2020

Petitions under Article 227 of Constitution of India Aggrieved by the Orders dated 13/02/2020 in I.A.Nos. 126 and 127 in O.S.NO. 165/2014 on the file of the Court of the I Additional District Judge, Khammam.

Between:

Pentyala Nageswar Rao, s/o Venkataramaiah aged about 69 years, occ. Business r/o H.No. 11-10-775/10/D, Raparthi Nagar Khammam City and District.

...PETITIONER
(PETITITONER/DEFENDANT

AND

Pakanati Seetharami Reddy, s/o Basvi Reddy aged about 70 years, occ. Business, r/o H.No. 2-138/2, Nayyudupeta village Khammam Rural Mandal, Khammam District.

...RESPONDENT
(RESPONDENT/PLAINTIFF)

IA NO: 1 OF 2020 in CRP 609/2020

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 dispense with filing of the certified copy of the order in I.A.No. 127 of 2020 in O.S.No. 165 of 2014 dt. 13-2-2020 on the file of the I Addl. District Judge at Khammam.

IA NO: 2 OF 2020 in CRP 609/2020

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 grant of all further proceedings in O.S.No. 165 of 2014 on the file of the I Addl. District Judge at Khammam, pending disposal of the C.R.P.

IA NO: 1 OF 2020 in C.R.P. 614/2020

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 grant stay of all further proceedings in O.S.No. 165 of 2014 on the file of the I Addl. District Judge at Khammam, pending disposal of the C.R.P.

Counsel for the Petitioner: **SRI KARUNAKAR REDDY**

Counsel for the Respondent: **SRI PULLA RAO YELLANKI**

The Court made the following: COMMON ORDER

THE HONOURABLE JUSTICE G. SRI DEVI

C.R.P.Nos.609 and 614 of 2020

COMMON ORDER:

These two Civil Revision Petitions are filed against the common order of the learned I-Additional District Judge, Khammam, dated 13.02.2020, dismissing I.A.Nos.126 and 127 of 2020 in O.S.No.165 of 2014 filed by the petitioner/defendant, who is the revision petitioner herein.

The facts, in succinct, are as under:

The respondent herein, who is the plaintiff, filed O.S.No.165 of 2014 against the petitioner/defendant for recovery of Rs.45,62,380/- along with interest @ 24% p.a. from the date of suit till the date of realisation basing on a security bond alleged to have been executed by the petitioner/defendant in his favour. When the said suit was posted for arguments, the petitioner/defendant filed the above two Interlocutory Applications, one for re-opening the suit and another for issuing summons to the District Registrar, Stamps and Registration Department, Nehru Nagar, Khammam, to give evidence.

The respondent/plaintiff filed counters contesting the claims of the petitioner/defendant, *inter alia*, contending that the aforesaid suit was coming up for arguments and at this stage, the

petitioner/defendant filed the aforesaid applications only to drag on the matter and to harass the respondent/plaintiff, who is a senior citizen, aged about 72 years and, therefore, the aforesaid applications are not at all maintainable.

The trial Court, on a consideration of the rival submissions and the entire material available on record, dismissed the aforesaid two applications. Challenging the same, the petitioner/defendant filed these two Civil Revision Petitions.

Heard both sides.

Learned Counsel for the petitioner/defendant would submit that as per the orders of the trial Court, dated 05.11.2019, in I.A.No.889 of 2019 filed by the respondent/plaintiff, EX.A1 document was sent to District Registrar, Khammam, to impound the document and accordingly, the District Registrar impounded the said document by collecting deficit stamp duty and penalty and returned the same to the trial Court without giving any details as to whether he treated the said document as 'Bond' or not and as such, it is just and necessary to reopen the suit and to issue summons to the District Registrar to give evidence to elicit the fact of examining and treating the document as 'Bond' as defined under clause (b) of Section 2 (5) of the Stamp Act.

Learned counsel for the respondent/plaintiff, while supporting the order of the trial Court, contends that evidence on both sides was closed in the suit and it is coming up for arguments and at this stage, the petitioner/defendant filed the present applications only to drag on the proceedings and to harass the respondent/plaintiff.

As seen from the record, it is evident that as per the orders of the trial Court, dated 05.11.2019, in I.A.No.889 of 2019 filed by the respondent/plaintiff, EX.A1 document was sent to the District Registrar, Khammam, to impound the document and accordingly, the District Registrar, Khammam, impounded the document by collecting deficit stamp duty and penalty from the respondent/plaintiff and the same was endorsed on the back side page of Ex.A1, and returned the same to the trial Court. Aggrieved by the order passed in I.A.No.889 of 2019, the respondent/defendant filed C.R.P.No.2933 of 2019 before this Court and the same is pending. Therefore, it cannot be elicited from the District Registrar, Khammam, whether he treated the said document as a bond or Security bond. Further, the trial Court by its reasoned order has considered the contentions of the petitioner/defendant and has rightly rejected the applications, which were filed when the suit was posted for arguments.

Therefore, I am of the view that the trial Court has not committed any error or illegality in passing the impugned order.

Accordingly, both the Civil Revision Petitions are dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in these Civil Revision Petitions, shall stand closed.

Sd/-K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional District Judge at Khammam.
2. One CC to SRI KARUNAKAR REDDY Advocate [OPUC]
3. One CC to SRI. PULLA RAO YELLANKI Advocate [OPUC]
4. Two CD Copies

TL

HIGH COURT

GSD,J

DATED:18/12/2020



COMMON ORDER

CRP.No.609 AND 614 of 2020

DISMISSING C.R.Ps

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19/1/21