IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTEENTH DAY OF MARCH TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION NO: 3083 OF 2019

Petition under Article 227 of the Constitution of India, aggrieved by the Order dated 04/12/2019 in I.A. No.267 of 2019 in C.M.A. No.10 of 2018 on the file of the Court of the IX Additional District and Sessions Judge, at Sircilla, Rajanna Sircilla, Karimnagar District

Between:

Bendram Yellamma, W/o. Durgareddi Aged about 63 years, Occ. Agriculture, R/o. Mallapur Village, Boinpalli Mandal, Rajanna Sircilla District. (Old Karimnagar District)

...PETITIONER/PETITIONER/APPELLANT

AND

1. Durmutla @ Yeshireddi Rajireddy, S/o. Narayana, aged about 49 years, Occ. Agriculture, R/o. Mallapur Village, Boinpalli Mandal, Rajanna Sircilla District. (Old Karimnagar District)
2. Durmutla @ Yeshireddy Bhoomreddy, S/o. Narayana, aged about 38 years, Occ. Agriculture, R/o. Mallapur Village, Boinpalli Mandal, Rajanna Sircilla District, (Old Karimnagar District)
3. Durmutla @ Yeshireddy Devamma, W/o. Narayana, aged about 70 years, Occ. Household, R/o. Mallapur Village, Boinpalli Mandal, Rajanna Sircilla District. (Old Karimnagar District)

...RESPONDENTS/RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Stay all further proceedings in C.M.A. No. 10 of 2018 on the file of IX Additional District and Sessions Judge, at Sircilla, Rajanna Sircilla District, (Old Karimnagar District) pending disposal of the above C.R.P.

Counsel for the Petitioner: SRI V. V. RAMANA RAO

Counsel for the Respondents: SRI I. LAXMIKANTHA RAO

The Court made the following: ORDER

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.3083 of 2019

ORDER:

Heard learned counsel for the petitioner, and learned counsel appearing for the respondents.

It is a case where the petitioner filed I.A.No.267 of 2019 in C.M.A.No.10 of 2018 before the trial Court by invoking Order 41 Rule 27(1)(a) read with Section 151 of Code of Civil Procedure, praying the Court to receive additional documents, such as MeeSeva Pahanis for the year 2017 and original pattadar passbook.

The C.M.A. itself came to be filed against the orders in I.A.No.273 of 2017 seeking to grant temporary injunction, pending disposal of the suit, and the said I.A. came to be dismissed on merits. Even as per the petitioner/plaintiff, without the documents which the petitioner seeks to file now, the possibility of granting injunction in favour of the petitioners in C.M.A. is remote. In that view of the matter, no useful purpose would be served by directing the documents to be taken on record in the C.M.A.

Instead, at the suggestion of the Court, learned counsel for the respondents submits that so far as filing of the proposed documents in the suit is concerned, the petitioner/plaintiff has a right and further, as on date, the trial had not commenced.

The suit being of the year 2017, and the documents which the petitioner seeks to file are the original pattadar passbooks and pahanis, the petitioner is given liberty to move an application before the trial Court in the pending suit which shall be considered by the learned trial Judge. While considering the application for receiving the documents, the factum of the petitioner filing the C.M.A., and the time taken for passing orders in I.A.No.267 of 2019 and the time

taken for disposal of the present C.R.P. before this Court shall also be taken into consideration.

As the suit is of the year 2017, the learned trial Judge shall make an endeavour to complete the trial as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

Accordingly, the civil revision petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

SD/- CH. VENKATESWARULU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IX Additional District and Sessions Judge, at Sircilla, Rajanna Sircilla, Karimnagar District.
2. One CC to SRI V. V. RAMANA RAO, Advocate [OPUC]
3. One CC to SRI I. LAXMIKANTHA RAO, Advocate [OPUC]
4. Two CD Copies

MP

HIGH COURT

DATED: 13/03/2020



ORDER

CRP.No.3083 of 2019

DISPOSING OF THE CIVIL REVISION PETITION WITHOUT COSTS

ATM-S
23/3/2020