

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SMT JUSTICE P.SREE SUDHA

CIVIL REVISION PETITION NO: 6583 AND 6586 OF 2012

CIVIL REVISION PETITION NO: 6583 OF 2012

Petition under Article 227 of the Constitution of India, against the order and decree dated 21-11-2012 passed in I.A.No.581 of 2012 in O.S.No.2434 of 2006, on the file off the VII Additional Senior Civil Judge, Ranga Reddy District, at L.B. Nagar,

Between:

1. J. Krishna Kumari,, W/o. J. Subba Reddy, Aged about 55 years, Occ: Housewife, R/o. H.No.I 0-5-3/4, Hat No.403, K.K. Heights, Masab Tank, Hyderabad - 500 028.
2. J. Pradeep Reddy,, S/o. J. Subba Reddy, Aged about 31 years, Occ: Business, R/o. H.No.10-5-3/4, Flat No.403, K.K. Heights, Masab Tank, Hyderabad - 500 028.

.....PETITIONERS/PETITIONERS/DEFENDANTS 4 AND 5

AND

1. Kothapally Anasurya @ Anasuya,, W/o. K. Pochaiah, aged about 46 years, Occ: Housewife, R/o. H.No.8-2-269/19/443, Indira Nagar, Banjara Hills, Hyderabad - 500 034.
2. S.R. Narsing Rao,, S/o. S.R. Rajalah, Aged about 48 years, Occ: Business, R/o. H.No.298, Road No.10, Jubilee Hills (Gayatri Hills), Hyderabad.
3. V. Srinivas Rao,, S/o. V. Mallaiah, Aged about 34 years, Occ: Business, R/o. Flat No.312, Vibhavari Towers, Near Rail Vihar, Serilingampally Municipality, Ranga Reddy District.
4. M. Raghunath,, S/o. M. Nageshwar Rao, Aged about 39 years, Occ: Business, R/o. Bommuluru Village, Bapulapadu Mandal, Krishna District

...RESPONDENTS

I.A. NO: 1 OF 2012(CRPMP. NO: 8771 OF 2012)

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 OS.No.2434/2006 on the file of the VII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, pending disposal of the main CRP

IA NO: 1 OF 2021

Between

Kothapally Anasurya @ Anasuya,, W/o. K. Pochaiah, aged about 46 years, Occ: Housewife, R/o. H.No.8-2-269/19/443, Indira Nagar, Banjara Hills, Hyderabad - 500 034.

.....PETITIONER/RESPONDENT NO 1

AND

1. J. Krishna Kuma i,, W/o. J. Subba Reddy, Aged about 55 years, Occ: Housewife, R/o. H.No.I 0-5 3/4, Hat No.403, K.K. Heights, Masab Tank, Hyderabad - 500 028.
2. J. Pradeep Reddy,, S/o. J. Subba Reddy, Aged about 31 years, Occ: Business, R/o. H.No. 10-5-3/4, Flat No.403, K.K. Heights, Masab Tank, Hyderabad - 500 028.
3. S.R. Narsing Rao, S/o. S.R. Rajaiah, Aged about 48 years, Occ: Business, R/o. H.No.298, Road No.10, Jubilee Hills (Gayatri Hills), Hyderabad.
4. V. Srinivas Rao,, S/o. V. Mallaiah, Aged about 34 years, Occ: Business, R/o. Flat No.312, Vibhava i Towers, Near Rail Vihar, Serilingampally Municipality, Ranga Reddy District.
5. M. Raghunath,, S/o. M. Nageshwar Rao, Aged about 39 years, Occ: Business, R/o. Bommuluru Village, Bapulapadu Mandal, Krishna District

.....RESPONDENTS/RESPONDENTS

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 INTERIM ORDER DATED 03.01.2013 in CRP. No. 6586 of 2012 by dismissing the Revision Petition

Counsel for the Petitioner: SRI. T LAKSHMI NARAYANA

Counsel for the Respondent No1 : S PRABHAKAR REDDY

Counsel for the Respondent No 2 to 5 None

CIVIL REVISION PETITION NO: 6586 OF 2012

Petition under Article 227 of the Constitution of India, against the order and decree dated 21.11.2012 passed in IA No. 582 of 2012 in OS No. 2434 of 2006 on the file of the VII Additional Senior Civil Judge, Ranga Reddy District, at L.B.Nagar and allow the said IA No. 582 of 2012

Between:

1. J. Krishna Kuma i, W/o. J. Subba Reddy Occ: House wife R/o. H.No. 10-5-3/4 Flat No. 403 KK Heights Masab Tank, Hyderabad - 500 028
2. J. Pradeep Reddy, S/o. J. Subba Reddy Occ: Business R/o. H.No. 10-5-3/4 Flat No. 403 KK Heights Masab Tank, Hyderabad - 500 028

.....PETITIONERS/PETITIONERS/DEFENDANTS 4 AND 5

AND

1. Kothapally Anasuya @ Anasuya, W/o. K. Pochalah Occ: House wife R/o. H.No. 8-2-268/19/443 Indira Nagar Banjara Hills Hyderabad - 50 034
2. S.R. Narsing Rao S/o. S.R. Rajaiah Occ: Business R/o. H.No. 298 Road No. 40 Jubilee Hills (Gayatri Hills) Hyderabad
3. V. Srinivas Rao, S/o. V.Mallaiah Occ: Business R/o. Flat No. 312 Vibhavarl Towers Near Rail Vihar Serilingampally Municipality Ranga Reddy District
4. M. Raghunath, S/o. M. Nageshwar Rao Occ: Business R/o. Bommuluru Village Bapulapadu Mandal, Krishna District

.....RESPONDENTS/RESPONDENTSDEFENDANTS 1 TO 3

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IA NO: 1 OF 2018

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 extend the stay order dated 03.01.2013 made in CRP.No. 6586 of 2012 until further orders pending disposal of the main CRP

I.A. NO: 1 OF 2012(CRPMP. NO: 8774 OF 2012)

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 OS No. 2434 of 2006, on the file of the VII Addl. Senior Civil Judge, Ranga Reddy District, at L.B.nagar pending disposal of the main CRP and pass

IA NO: 1 OF 2021

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 INTERIM ORDER DATE 03.01.2013 in CRP. No. 6583 of 2012 by dismissing the Revision Petition

Counsel for the Petitioners: SRI. T LAKSHMI NARAYANA

Counsel for the Respondent: No 1 SRI S PRABHAKAR REDDY

Counsel for the Respondents: 2 to 4 None

The Court made the following: COMMON ORDER

THE HON'BLE SMT. JUSTICE P. SREE SUDHA

CIVIL REVISION PETITION Nos.6583 & 6586 of 2012

COMMON ORDER:

In both the CRPs, parties are common and they have arisen out of two Interlocutory Applications filed in one suit i.e. O.S.No.2434 of 2006 on the file of VII Additional Senior Civil Judge, Ranga Reddy district at L.B.Nagar.

2. C.R.P.No.6583 of 2012 is filed against the order dated 21.11.2012 in I A.No.581 of 2012, which was filed under Order VIII Rule 9 r/w Section 151 of CPC seeking permission to file additional written statement.

3. C.R.P.No.6586 of 2012 is filed against the order dated 21.11.2012 in I A.No.582 of 2012, which was filed under Order VIII Rule 8 r/w Section 151 of CPC seeking permission to amend the written statement.

4. The revision petitioners in both the CRPs are Defendants 4 and 5 in the main suit. The first respondent/ plaintiff filed the suit O.S.No.2434 of 2006 for cancellation of documents and consequential injunction. According to plaintiff, she is the owner of immovable property, but impersonating her, certain documents were created by forgery and fabrication and her property was shown as alienated, therefore, she filed the said suit for cancellation of documents and for permanent injunction. The defendants 4 and 5 filed written statement on

6.7.2007, admitting the ownership of plaintiff over the suit schedule property and stated that the disputed documents were validly executed. On 7.8.2000 issues were settled and evidence on behalf of plaintiff was closed on 26.12.2011. D.W.1 filed affidavit in lieu of chief examination on 24.1.2012. The defendants 4 and 5 filed the present Applications, seeking permission to amend the written statement and also permission to file additional written statement. According to them, they came to know that the plaintiff is not the owner of the property and the name of the original owner and the name of the plaintiff were different and plaintiff is an imposter. The Court below while holding that all these are against the admissions made by the defendants in their written statement and there are no new grounds of defence arising after initial pleadings and this is nothing but abuse of process of Court, dismissed both the applications by impugned orders, as against which, the present CRPs have been filed.

6. The learned counsel appearing for revision petitioners/ defendants 4 and 5 in both the revisions submits that the defendants 4 and 5 unearthed a new fact namely, plaintiff impersonated herself as owner of the suit schedule property by describing herself as Anasurya @ Anasuya, which necessitated the defendants to amend the written statement by suitable

amendments denying the title of the plaintiff by deleting certain words and substitute words.

7. Perusal of plaint in O.S.No.2434 of 2006 shows, it is filed by Kothapally Anasurya @ Anasuya for cancellation of agreement of sale and registered sale deeds and for permanent injunction. In the written statement file on 5.7.2007, defendants admitted that the plaintiff is owner of plots bearing No.175 and 176 admeasuring 600 sq.yards in Sy.No.74 and 75 of Gopanpally village, but in the additional written statement denied the same. The trial Court observed that they came up with this petition at the time of examination of defendants 4 and 5. They are not new grounds and against admission made by the petitioners in their written statement and failed to indicate good reason for amendment of written statement after commencement of trial and dismissed I.A.No.582 of 2012 on 21.11.2022.

8. Having heard the learned counsel for revision petitioners and perused the material available on record, I do not find any ground to interfere with the orders passed by the trial Court. The trial Court rightly dismissed the applications by giving cogent and convincing reasons.

9. For the foregoing reasons, both the CRPs are dismissed, confirming the orders passed by the trial Court. There shall be

no order as to costs. Miscellaneous petitions pending, if any,
shall stand closed.

**SD/-K.ONESIM
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Additional Senior Civil Judge, Ranga Reddy District, at L.B. Nagar
2. One CC to SRI T LAKSHMI NARAYANA, Advocate [OPUC]
3. One CC to SRI. S PRABHAKAR REDDY, Advocate [OPUC]
4. Two CD Copies
5. One Spare Copy

**VM
TR**



HIGH COURT

DATED:31/12/2021

ORDER

CRP.No.6583 AND 6586 of 2012



DISMISSING THE CIVIL REVISION PETITION

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HMA
28/01/2022