

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE A.VENKATESHWARA REDDY

CIVIL REVISION PETITION NO: 1920 OF 2022

Petition under Article 227 of Constitution of India aggrieved by the order dated 10-06-2022 in IA No.199 of 2021 in O.S.No. 462 of 2021 on the file of the Court of the XVII Additional Senior Civil Judge, City Civil Court, Hyderabad.

Between:

1. Smt. K. Soudamini, W/o Late Sri K.S.R Anjaneyulu, Aged about 71 years, Occ- Retired from LIC, R/o 12-2-790/140, Ayodhya Nagar, Mehdiapatnam, Hyderabad - 500028.
2. K. Srinivas, S/o Late Sri K.S.R. Anjaneyulu, Aged about 45 years, Occ- Pvt Employee R/o 2nd Floor, H. No. 12-2-790/140, Ayodhya Nagar, Mehdiapatnam, Hyderabad 500028

...PETITIONERS

AND

1. K. Sriharsha, S/o. Sri Late Sri K.S.R. Anjaneyulu, Aged about 40 years, Occ- Software Professional, R/o 1st floor, H. No. 12-2-790/140, Ayodhya Nagar, Mehdiapatnam, Hyderabad - 500028. (filed the suit without mentioning his correct address)

...RESPONDENT

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to suspend the operation of order in IA No. 199/2021 in O.S. No. 462/2021 on the file of learned XVII Addl. Senior Civil Judge, City Civil Court, Hyderabad during the pendency of the above Civil Revision Petition in the interest of justice.

IA NO: 2 OF 2022 IN IA NO. 1 OF 2022 IN CRP NO. 1920 OF 2022

Between:

K. Sriharsha, S/o. Sri Late Sri K.S.R. Anjaneyulu, Aged about 40 years, Occ- Software Professional, R/o 1st floor, H. No. 12-2-790/140, Ayodhya Nagar, Mehdiapatnam, Hyderabad - 500028. (filed the suit without mentioning his correct address)

...PETITIONER/RESPONDENT

AND

1. Smt. K. Soudamini, W/o Late Sri K.S.R Anjaneyulu, Aged about 71 years, Occ- Retired from LIC, R/o 12-2-790/140, Ayodhya Nagar, Mehdiapatnam, Hyderabad - 500028.
2. K. Srinivas, S/o Late Sri K.S.R. Anjaneyulu, Aged about 45 years, Occ- Pvt Employee R/o 2nd Floor, H. No. 12-2-790/140, Ayodhya Nagar, Mehdiapatnam, Hyderabad 500028

...RESPONDENTS/PETITIONERS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to vacate the interim stay order granted in I.A.No.1/2022 in C.R.P.No.1920 of 2022 dated 02-09-2022, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : Sri M. KANAKA DURGA

Counsel for the Respondent : Sri B. SESHU KUMAR

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.VENKATESHWARA REDDY
CIVIL REVISION PETITION NO.1920 OF 2022

ORDER:

This Civil Revision Petition is filed by the petitioners/defendants against the respondent/plaintiff assailing the order dated 10.06.2022 in I.A.No.199 of 2021 in O.S.No.462 of 2021 on the file of the learned XVII Additional Senior Civil Judge, City Civil Courts at Hyderabad.

2. Along with the civil revision petition, the petitioners have filed I.A.No.1 of 2022 to suspend the operation of orders in I.A.No.199 of 2021 in O.S.No.462 of 2021 on the file of the XVII Additional Senior Civil Judge, City Civil Courts at Hyderabad and as per orders dated 02.09.2022 interim suspension, as prayed for, was granted with a direction to list the matter on 14.10.2022. Meanwhile, the respondent/plaintiff has filed vacate petition vide I.A.No.2 of 2022 to vacate the orders dated 02.09.2022 suspending the orders in I.A.No.199 of 2021 in O.S.No.462 of 2021.

3. Heard learned counsel for the revision petitioners and respondent. The submissions made on either side have received due consideration of this Court.

4. For the sake convenience, the parties hereinafter referred to as plaintiff and defendants.

5. The plaintiff has filed Original Suit in O.S.No.462 of 2021 for partition and separate possession of his share in house bearing No.12-2-790/140, Ayodhya Nagar, Mehdiapatnam, Hyderabad (hereinafter referred to as 'suit house'). Along with the Original Suit, the plaintiff has filed I.A.No.199 of 2021 under Order XXXIX, Rule 1 and 2 of Civil Procedure Code (for short 'CPC') and the Court below has passed a restraint order against the defendants, their agents and servants from indulging in illegal and unlawful acts of locking of main entrance of the petitioner's property and stoppage of water etc., and such interim orders were extended from time to time without disposing of I.A.No.199 of 2021.

6. Feeling aggrieved by the said orders, the defendants have filed this civil revision petition.

7. The relationship between the parties is not in dispute. The plaintiff is the second son of defendant No.1 and defendant No.2 is the elder son of defendant No.1, they are residents of the suit house, differences arose between the plaintiff and defendant No.1 and recently, the plaintiff has vacated the suit house and not living in it. It is alleged by the plaintiff that at the behest of defendant No.2 and his wife the defendant No.1 has become very rude with the plaintiff and causing troubles to him, due to which the health of plaintiff's wife became deteriorated. Finally, the plaintiff has got issued a legal notice to the defendant No.1 claiming partition and separate possession of his share in the suit house. The 1st defendant has also got issued a suitable reply denying his claim. As such, the Original Suit is filed.

8. The grievance of the defendant No.1 is that without disposing of I.A.No.199 of 2021, despite filing her counter, the Court below has been extending interim order from time to time and thereby the plaintiff is causing unnecessary nuisance and trouble at the suit house and

that she is ready and willing to co-operate with the trial Court for expeditious disposal of the matter.

9. Learned counsel for the plaintiff, who has filed vacate petition vide I.A.No.2 of 2022, also submits that the Written Statement of the defendants is filed, issues are settled and in-fact, the plaintiff is ready with his evidence affidavit in lieu of chief-examination. Accordingly, both the parties have requested for a direction to the trial Court for expeditious disposal of the Original Suit itself instead of dealing with interlocutory application.

10. Be it stated that the Original Suit was filed on 18.08.2021 along with I.A.No.199 of 2021 but the trial Court failed to dispose of the same till date despite the fact that the respondents/defendants have filed counters long back. Now both the parties are ready and willing to proceed with the trial in the main suit with a prayer to direct the trial Court for expeditious disposal of the Original Suit.

11. Therefore, considering the relationship between the parties and the age of the 1st defendant, who is a senior

citizen and widowed mother of the plaintiff and defendant No.2 and claiming suit house as her self-acquired property and that both the plaintiff and defendant No.2 are living in the said house in separate portions and that recently the plaintiff started living outside but claiming his share in the suit house, I find justification in the request made by learned counsel on both sides. Accordingly, the interim suspension orders in I.A.No.1 of 2022 dated 02.09.2022 suspending the operation of the orders in I.A.No.199 of 2021 is made absolute till disposal of the Original Suit and the vacate petition in I.A.No.2 of 2022 shall stand dismissed.

12. In the result, the civil revision petition is allowed, orders impugned dated 10.06.2022 in I.A.No.199 of 2021 in O.S.No.462 of 2021 are hereby set aside. The learned XVII Additional Senior Civil Judge, City Civil Courts at Hyderabad shall make every endeavour to dispose of O.S.No.462 of 2021 within six months from the date of receipt of copy of the order. Both the parties to the suit shall co-operate for expeditious disposal of the Original Suit as directed. However, in the circumstances of the

case, there shall be no order as to the costs. Miscellaneous applications, if any pending, shall stands closed.

//TRUE COPY//

K. AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The XVII Additional Senior Civil Judge, City Civil Court, Hyderabad.
2. One CC to Sri M. KANAKA DURGA, Advocate [OPUC]
3. One CC to Sri B. SESHU KUMAR, Advocate [OPUC]
4. Two CD Copies.

njb

BSR

HIGH COURT

DATED:22/11/2022

ORDER

CRP.No.1920 of 2022



CIVIL REVISION PETITION IS ALLOWED;
NO ORDER AS TO THE COSTS

6
25/01/23
BSR