

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

FRIDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE M.G.PRIYADARSINI

CIVIL REVISION PETITION NO: 3521 OF 2023

Petition Under Article 227 of the constitution of India against the Order passed in I.A.No.261 of 2022 in OS.No.169 of 2021 on the file of the Court of the Junior Civil Judge, Narayankhed.

Between:

1. Sadak, S/o. late Mahaboob Patel, Aged. 84 years, Occ. Retired Employee, R/o. H.No.9-13-116/1, Rafath Bagh, Beside Guru Nanak Dev College, Mailur Road, Bidar Town and District, Karnataka State - 585 402.
2. Hameeda Begum, W/o. Sadak (**died per LRs Petitioner Nos.3 to 6**)
3. Mohd. Khursheed, S/o. Sadak, Aged. 61 years, Occ. Business,
4. Mohd. Jamsheed, S/o. Sadak, Aged. 58 years, Occ. Business,
5. Malan Bee, W/o. Zameer Patel, Aged. 53 years, Occ. Household,
6. Naziya Begum, W/o. Md. Nawab Sab, R/o. H.No.9-13-116/1, Rafath Bagh, Beside Guru Nanak Dev College, Mailur Road, Bidar Town and District, Karnataka State - 585 402.
7. Mohd. Hasnuddin @ Babu patel, S/o. late Mahaboob Patel, Aged. 66 years, Occ. Agriculture,
8. Mohd. Dawood, S/o. Mohd. Hasnuddin @ Babu Patel, Aged. 26 years, Occ. Agriculture, Both are R/o. Athimyal Village, Manoor Mandal, Sangareddy District.

...Petitioner/Defendant Nos.1 to 4

AND

1. M.A. Sattar @ Abdul Sattar, S/o. late Mahaboob Patel, Occ. Agriculture, R/o. Athimyal Village, Manoor Mandal, Sangareddy District.

...Respondent/Plaintiff

2. Yaseen Khan, S/o. Rouf Khan, Aged. 66 years, Occ. Agriculture,
3. Anees Khan, S/o. Yaseen Khan, Aged. 36 years, Occ. Agriculture,
4. Javeed Khan, S/o. Yaseen Khan, Aged. 31 years, Occ. Agriculture,
5. Jamsheed Khan, S/o. Yaseen Khan, Aged. 26 years, Occ. Agriculture, All are R/o. Chikli Village, Aurad Taluqa, Bidar District, Karnataka State.
6. Smt. Qamar Pasha, W/o. Afsar Miya, Aged. 66 years, R/o. H.No.1-131, Raipally Village, Aurad Taluqa, Bidar District, Karnataka State.

...Respondents

IA NO: 1 OF 2023

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 stay all further proceedings in O.S.No.169 of 2021 on the file of Junior Civil Judge at Narayankhed, pending disposal of the present CRP.

Counsel for the Petitioner(s):SRI. Y ASHOK RAJ

Counsel for the Respondents:

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE M.G. PRIYADARSINI

CIVIL REVISION PETITION No. 3521 of 2023

ORDER:

By way of this civil revision petition, defendant Nos. 1 to 4 in O.S. No. 169 of 2021 challenge the inaction of the learned Junior Civil Judge at Narayankhed in disposing of I.A. No. 261 of 2022 in O.S. No. 169 of 2021.

2. Respondent No. 1 herein filed the suit in O.S. No. 169 of 2021 against the defendants, seeking partition of the suit schedule properties into proportionate shares and to allot 2/8th share to the plaintiff, 2/8th share to defendant Nos. 1 and 3 each, 1/8th share each to defendant Nos. 5 to 8 and 1/8th share to defendant No. 9 for putting the plaintiff in exclusive possession of 2/8th share. Pending the suit, the revision petitioners herein filed I.A. No. 261 of 2022 under Order VII Rule 11 read with Section 151 C.P.C. to reject the plaint *inter alia* contending that the cause of action mentioned by the plaintiff is wrong and suppressive in nature inasmuch as partition, in respect of the suit schedule properties, took place among one Kursheed son of Sadal Patel, Hameeda Begum wife of Sadak Patel and defendant Nos. 1 to 3 vide agreement of partition dated 24.06.1996 and unless the said agreement of

partition is cancelled by way of declaration proceedings and also as per Mohammedan Law, since the common the ancestor namely one Mahboob Patel executed the registered sale deeds in favour of Mohammed Khursheed and defendant No. 3, no claims for partition of the suit schedule properties can be entertained.

3. It is contended by the learned counsel for the revision petitioners that the revision petitioners have filed the impugned I.A. way back in March, 2022, but so far, no orders have been passed thereon. Therefore, the learned counsel seeks a direction to the trial Court for early disposal of the I.A.

4. Considering the limited grievance of the revision petitioners and considering the fact that the I.A. seeking rejection of the plaint is pending from March, 2022, ends of justice would be met if a direction is given to the trial Court to dispose of the said I.A. within a reasonable time.

5. Accordingly, the Civil Revision Petition shall stand disposed of at the admission stage directing the learned Junior Civil Judge at Narayankhed to take up I.A. No. 261 of 2022 in O.S. No. 169 of 2021 without granting unnecessary adjournments and dispose of the same on merits as

expeditiously as possible, preferably, within a period of two (02) months from the date of receipt of a copy of this order, duly affording opportunity to both the parties. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

//TRUE COPY//

SD/- A.V.S.PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Junior Civil Judge, Narayankhed.
2. One CC to SRI. Y ASHOK RAJ Advocate [OPUC]
3. Two CD Copies

SP
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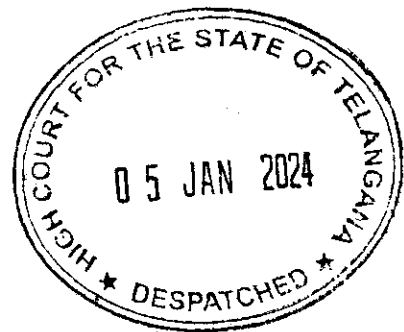


HIGH COURT

DATED:01/12/2023

ORDER

CRP.No.3521 of 2023



DISPOSING THE CRP

[Signature]
04/1/2024