

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

**THURSDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION NO: 3647 OF 2023

Petition Under Article 227 of the constitution of India against the Order dated 08-09-2023 passed in I.A.No.432/2022 in O.S.No.19/2017 on the file of the III Additional Chief Judge, City Civil Court, Hyderabad.

Between:

Smt. K. Kusumalatha, W/o. Sri K. Sundar Ram aged about 71 years, Occ. retired service R/o. C-1, Lalitha Avenue, Street No.10 Himayatnagar, Hyderabad.

...Petitioner/Petitioner No.1/Defendant No.1

AND

1. Smt. P. Snehalatha Reddy, W/o. late Sri Umakanth Reddy aged about 64 years, Occ. household R/o. 5-9-22/10, Adarshnagar, Hyderabad.
2. Sri P. Adithya Reddy, S/o. late Sri Umakanth Reddy aged about 43 years, Occ. housewife R/o. 5-9-22/10, Adarshnagar, Hyderabad.
3. Sri P. Vishwaksena Reddy, S/o. late Sri Umakanth Reddy aged about 40 years, Occ. housewife R/o. 5-9-22/10, Adarshnagar, Hyderabad.
4. Smt. A. Akhila, W/o. Sri Chaitanya Dev D/o. late Sri Umakanth Reddy aged about 42 years, Occ. housewife R/o. Plot No.48, Road No.6, Film Nagar Jubilee Hills, Hyderabad.

...Respondent /Respondent/Plaintiffs

5. Smt. P. Nalini Reddy, S/o. Dr. P. Jagannath Reddy aged about 67 years, Occ service Permanent resident of 80, Walnut Drive Hill City, KANSAS-67642, U.S.A.
6. Smt. G. Snehalatha Reddy, W/o. Sri G.N. Ramachander Reddy aged about 65 years, Occ. household R/o. 12-5-32/11, South Lalaguda Secunderabad - 500 017 (respondents No.5 and 6 are not necessary parties)

...Respondents/Petitioners No.2 & 3/Defendants No.2 & 3

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 pass order staying all further proceedings in O.S.No.19/2017 on the file of the III Additional Chief Judge, City Civil Court, Hyderabad, pending disposal of the above civil revision petition, in the interest of justice.

Counsel for the Petitioner : Sri Shyam S Agrawal

Counsel for the Respondents: Sri Vadeendra Joshi

The Court made the following: Order

THE HON'BLE SRI JUSTICE P. SAM KOSHY

CIVIL REVISION PETITION No.3647 of 2023

ORDER:

The challenge in the present Civil Revision Petition is the order dated 08.09.2023, passed in I.A.No.432 of 2023 in O.S.No.19 of 2017 on the file of the learned III Additional Chief Judge, City Civil Court, Hyderabad.

2. Heard Sri Shyam S.Agarwal, learned counsel for the petitioners and perused the record.

3. Vide the said impugned order, the Court below has rejected the application under VII Rule 11 read with Section 151 of the C.P.C. The objection raised in the application under VII Rule 11 is that the suit is barred by limitation.

4. It is reflected from the proceedings before the Court below is that the original suit itself was filed way back in the year 2016. The application under Order VII Rule 11 of C.P.C. has been filed in the month of March, 2022 and in with the passage of time the suit itself has reached the stage of evidence.

5. This Court does not find any perversity or jurisdictional error on the part of the Court below in rejecting the application, particularly, taking note of the fact that the objection has been raised by the petitioner in the written statement dated 13.12.2017. It would be left open for the parties to request the Court for framing of the said issue if it has not been framed in accordance with law and the Court below shall consider the objection so raised by the petitioner first and only thereafter to decide the other issues if at all required on the merits of the case.

6. The present Civil Revision Petition being devoid of merits, deserves to be and is accordingly rejected. It is further directed that the Court below shall make all efforts in proceeding with the suit and decide the same as expeditiously as possible. No costs.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

SD/- P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Chief Judge, City Civil Court, Hyderabad
2. One CC to Sri Shyam S Agrawal, Advocate [OPUC]
3. One CC to Sri Sri Vadeendra Joshi, Advocate [OPUC]
4. Two CD Copies

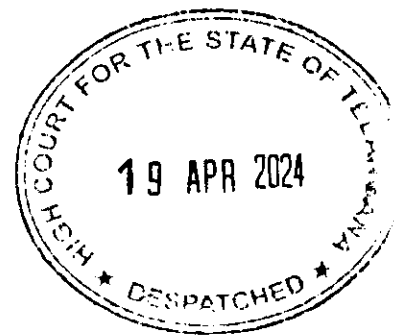
ADK
NS

HIGH COURT

DATED:21/12/2023

ORDER

CRP.No.3647 of 2023



**REJECTING THE CRP
WITHOUT COSTS**

⑥
21/4/24
D.R.