

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CIVIL REVISION PETITION NO: 2790 and 2810 OF 2022

CRP.No.2790/2022

Petition under Article 227 of the Constitution of India, to aggrieved by the Order and Decree Dt.14.11.2022 passed in I.A.No.439 of 2022 in O.S.No.36 of 2017 on the file of the II-Addl. District Judge at Warangal.

Between:

M/s. Sunkara Kotech, Chintha Nekkonda Village rep. by its Proprietor Sunkara Madhavi, W/o. Ramakoteswar Rao, age 49 years, Occ Business, R/o. H.No.20-5-124, Contractors Colony, Palvoncha Village and Mandal, Kothgudem District.

...Revision Petitioners/Plaintiff.

AND

1. M/s. Srilatha Raghuram Cotton Industries, Chintha Nekkonda Rep. by its Partners Vadlamuri Rukmini, W/o. Krishna Rao, Age 52 years, Occ: Business, R/o.H.No.12-84, Saireddypalle Village, Chintha Nekkonda Village, Palvoncha Village and Mandal, Warangal District.
2. M/s. Srilatha Raghuram Cotton Industries, Chintha Nekkonda Rep. by its Partners Vadlamuri Krishna Rao, S/o. Shiva Ramaiah, Age 55 y0ears, Occ: Business, R/o.H.No.12-84, Saireddypalle Village, Chintha Nekkonda Village, Palvoncha Village and Mandal, Warangal District.
3. Vadlamuri Vijaya Bhargav, S/o. Krishna Rao, Age 31 years, Occ: Business, R/o.H.No.12-84, Saireddypalle Village, Chintha Nekkonda Village, Palvoncha Village and Mandal, Warangal District.
4. Vadlamuri Pujitha, W/o. Rahul, Age 33 years, Occ: Business, R/o.H.No.12-84, Saireddypalle Village, Chintha Nekkonda Village, Palvoncha Village and Mandal, Warangal District.

...RESPONDENTS

IA NO: 1 OF 2022

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 O.S.No.36 of 2017 on the file of the II-Addl. District Judge at Warangal, pending disposal of the main Civil Revision Petition.

CRP.No.2810/2022

Petition under Article 227 of the Constitution of India, to aggrieved by the Order and Decree dt.14.11.2022 passed in I.A.No.440 of 2022 in O.S.No.36 of 2017 on the file of the II-Addl. District Judge at Warangal.

Between:

M/s. Sunkara Kotech, Chintha Nekkonda Village rep. by its Proprietor Sunkara Madhavi, W/o. Ramakoteswar Rao, age 49 years, Occ Business, R/o. H.No.20-5-124, Contractors Colony, Palvoncha Village and Mandal, Kothgudem District.

...Revision Petitioners/Plaintiff

AND

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IA NO: 1 OF 2022

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 O.S.No.36 of 2017 on the file of the II-Addl. District Judge at Warangal, pending disposal of the main civil revision petition and pass

Counsel for the Petitioner

in both the Petitions :SRI. CHAVALI RAMANAND, ADVOCATE

Counsel for the Respondents

in both the Petitions : None Appeared.

The Court made the following: COMMON ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CIVIL REVISION PETITION No.2790 AND 2810 OF 2022

COMMON ORDER:

The Civil Revision Petition Nos. 2790 and 2810 of 2022 are filed aggrieved by the orders, dated 14.11.2022 passed in I.A.Nos.439 and 440 of 2022 respectively in O.S.No.36 of 2017, on the file of the II Additional District Judge at Warangal, whereby the Court below has dismissed both the said applications.

2. The petitioner in both the IA's is the plaintiff in the said suits. He filed O.S. No. 36 of 2017 seeking specific performance of contract. During the pendency of the suit, the petitioner filed I.A. No. 439 of 2022 under order XVIII Rule 17 r/w Section 151 of C.P.C. to recall PW.1 for the purpose of marking of documents and cross examination. The petitioner filed this petition stating that he came to know about the documents executed between Andhra Bank, Shambunipet Branch, Warangal and V. Krishna Rao & others recently and that the said documents are crucial for proper adjudication of the case. As such, prayed to receive the said documents and recall PW.1 for marking the said documents.

3. The petitioner also filed I.A. No. 440 of 2022 under order VII R.14(3) r/w Section 151 of C.P.C. praying to receive the documents filed along with the petition.
4. The respondents filed counter stating that there is delay in filing the documents, which was not explained and there are no bonafides in the petition. Hence, prayed the Court to dismiss the petition.
5. Considering the contention of the petitioner and respondents, the trial Court dismissed both applications, stating that the documents are of the year 2017, whereas, the petitions are filed in the year 2022, without explaining proper reasons for the delay.
6. Aggrieved by the orders of the trial Court, these Civil Revision Petitions are filed.
7. Heard Sri. C. Ramanand, learned counsel for the petitioner. None appeared on behalf of the respondents.
8. According to the learned counsel for the petitioner, the documents which were requested before the trial Court for the purpose of marking and cross examination are very crucial for

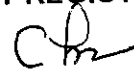
the disposal of the suit and the petitioner recently came to know about those documents.

9. In view of the above, this Court is of the view that though there is delay in filing the documents, which are very crucial for the disposal of the suit, to meet the ends of justice, a fair chance can be given to the petitioner.

10. Accordingly, both the Civil Revision petitions are allowed setting aside the orders dated 14.11.2022 in I.A.Nos.439 and 440 of 2022 in O.S.No.36 of 2017, on the file of the II Additional District Judge at Warangal. The trial Court is directed to consider the applications filed for recalling the petitioner and receiving the documents and pass appropriate order in accordance with law. However, both the parties are directed to cooperate with the trial Court for early disposal of the suit. No order as to costs.

Pending miscellaneous applications, if any, in these revision petition, shall stand closed.

Sd/-Mohd. Ismail
ASSISTANT REGISTRAR



SECTION OFFICER

//TRUE COPY//

To,

1. The II Addl. District Judge at Warangal.
2. One CC to SRI. CHAVALI RAMANAND, Advocate [OPUC]
3. Two CD copies.

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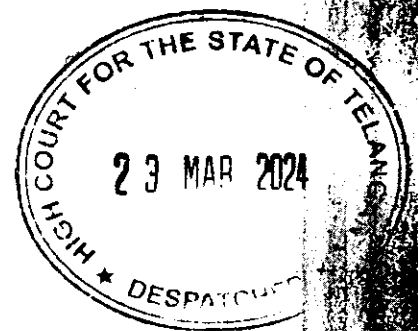


HIGH COURT

DATED:29/12/2023

COMMON ORDER

CRP.Nos.2790 & 2810 of 2022



Both the CRPs are Allowed.

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