

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

**FRIDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE P NAVEEN RAO

CIVIL REVISION PETITION NO: 3133 OF 2022

Petition under Article 227 of the Constitution of India, aggrieved by the Order dated 30.11.2022 in I.A.No.1021 of 2022 in I.A.No.942 of 2022 in I.A.No.113 of 2022 in O.S.No.21 of 2022 on the file of the court of the III Senior Civil Judge, City Civil Court, at Secunderabad.

Between:

Keki P.Irani, S/o. Late P.Irani Parsi, Aged 57 years, Occupation Business,
R/o. Plot No.30, Parsi Chenoy Chawl, Bapu Bagh, Macleodguda,
Secunderabad - 500 003

...PETITIONER

AND

The Zoroastrian Club, Represented by its Hon. Secretary, Lt. Col. Aspi
Edujee, having its premises at 1-8-183 to 185, S.P Road, Secunderabad.

...RESPONDENT

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 suspend the conditions imposed in the Order dated 30.11.2022 in I.A.No.1021 of 2022 in I.A.No.942 of 2022 in I.A.No.113 of 2022 in O.S.No.21 of 2022 passed by the learned III Senior Civil Judge, City Civil Court, at Secunderabad, pending disposal of the above Civil Revision Petition and pass such order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : SRI. BOTLA VENKATESWARA RAO

Counsel for the Respondent : M/s. SHIREEN SETHNA BARIA

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO
CIVIL REVISION PETITION No.3133 of 2022

ORDER:

Heard learned counsel for petitioner Sri Botla Venkateswara Rao and learned counsel for respondent Sri P.S. Rajsekhar.

2. The respondent herein instituted O.S.No.21 of 2022 on the file of the Court of learned III Senior Civil Judge, City Civil Court, at Secunderabad, praying to grant permanent injunction restraining the defendant, his business associates, relatives, friends, henchmen and others representing him or acting for and on behalf of the defendant from entering, holding and conducting any business or third-party functions at the suit schedule property and to award costs.

3. In the said suit, the respondent filed I.A.No.113 of 2022 under Order XXXIX Rules 1 and 2 Civil Procedure Code, 1973 (for short, "C.P.C.") praying to grant ad-interim injunction against the respondent/defendant restraining him not to deal with the suit schedule property.

4. The trial Court by Order dated 07.02.2022 enjoined the petitioner herein from dealing with the suit schedule property in any manner for a limited period upto 21.02.2022.

5. According to learned counsel for the petitioner on coming to know about the said Injunction order, petitioner filed I.A.No.159 of 2022 in I.A.No.113 of 2022 in O.S.No.21 of 2022 praying to vacate the interim order, but so far the said Interlocutory application is not taken up. In the meantime, the respondent filed I.A.No.942 of 2022 under Order XXXIX rule 2-A of C.P.C., alleging that the petitioner has violated the injunction order granted by this Court in I.A.No.113 of 2022. In I.A.No.942 of 2022 an ex-parte order was passed, punishing the petitioner and directing to undergo imprisonment for a period of two months. Aggrieved thereby, the petitioner filed C.M.A.No.587 of 2022 before this Court, wherein arguments were heard on 26.12.2022 and matter is reserved for judgment.

6. That being so, the petitioner filed I.A.No.1021 of 2022 seeking suspension of imprisonment ordered in I.A.No.942 of 2022. The trial Court by Order dated 30.11.2022 allowed the I.A.No.1021 of 2022 on a condition that the petitioner shall file an undertaking that he would not interfere or conduct any functions in the suit schedule property until further orders and the petitioner shall also execute personal bond for Rs.50,000/- to ensure his appearance in the case, whenever required.

7. As per the Orders of the trial Court, an undertaking was given by the petitioner stating that he would not conduct functions till orders, if any, passed in Revision/Appeal except functions to be conducted on 02.12.2022 and 04.12.2022. However, challenging the orders in IA No.1021 of 2022 dated 30.11.2022, this revision is preferred.

8. Learned counsel for the petitioner contended that petitioner was forced to give such an undertaking and by virtue of this undertaking, the petitioner is restrained from utilizing the premises for carrying on his business as per the licence granted to him.

9. Granting the relief sought herein would amount to suspending the interlocutory orders passed by the trial Court in I.A.No.113 of 2022 whereas, I.A.No.159 of 2022 filed by the petitioner is pending consideration of the trial Court. Therefore, passing any orders at this stage would create further complications.

10. This Court is informed that I.A.No.159 of 2022 is coming up for consideration on 23.01.2022. Having regard to the grievance of the petitioner that his vacate petition is not taken up so far, whereas mandatorily, vacate petition ought to have been

considered within 30 days, this Court deems it appropriate to dispose of the Revision by directing the trial Court to hear and pass Orders in the vacate petition viz., I.A.No.159 of 2022 as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of this Order. The parties are directed to appear before the trial Court and make their submissions in I.A.No.159 of 2022 on 23.01.2022 or on any other date assigned by the trial Court. It is made clear that this Court has not expressed any opinion on the interlocutory orders dated 30.11.2022 passed in I.A.No.1021 of 2022 or the conditions imposed therein.

11. With the above direction, the Civil Revision Petition is disposed of. No costs. Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

SD/- K. AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The III Senior Civil Judge, City Civil Court, at Secunderabad
2. One CC to SRI. BOTLA VENKATESWARA RAO Advocate [OPUC]
3. One CC to M/s. SHIREEN SETHNA BARIA Advocate [OPUC]
4. Two CD Copies

kar

BSR

HIGH COURT

DATED:20/01/2023



ORDER

CRP.No.3133 of 2022

DISPOSING OF THE CRP
WITHOUT COSTS

6
21/02/23
BSR