

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

**THURSDAY, THE FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE SUJOY PAUL

CIVIL REVISION PETITION NO: 1621 OF 2024

Petition under Article 227 of the Constitution of India aggrieved by the Order dated 01-04-2024 made in I.A. No. 127 of 2024 in O.S. No. 10 of 2024 on the file of the Court of the X Additional District and Sessions Judge, Ranga Reddy District at LB Nagar.

Between:

1. Masanagari Bhagya Laxmi, W/o. M Bal Reddy, Aged about 48 years, Occ. Housewife, R/o. H.No. 17-1-386/SN/9, Flat No. 505 Block-B, Sai Thirumala and Bhaskar Towers, Reliance Trades, Champapet, Saroor Nagar, Vashaili Nagar, K.V. Ranga Reddy District - 500079
2. Saritha Reddy Ramaswamy, W/o. Raghavender Reddy D/o. Masanagari Bal Reddy, Aged about 33 years, Occ. Housewife, R/o. Plot No. 753, Prashanth Nagar, Near Saibaba Temple, Vanasthalipuram, Hayathnagar, Ranga Reddy District - 500070
3. Masanagari Swapna, D/o. M Bal Reddy, Aged about 31 years, Occ. Housewife, R/o. H.No. 17-1-386/SN/9 Flat No. 505 Block-B, Sai Thirumala and Bhaskar Towers, Reliance Trades, Champapet, Saroor Nagar, Vashaili Nagar, K.V. Ranga Reddy District - 500079

**...Petitioners / Petitioners / Defendants 2 to 4
AND**

1. Masanagari Pramodh Reddy, S/o. M Bal Reddy, Aged about 32 years, Occ. Doctor, R/o. H.No. 17-1-386/SN/9 Flat No. 505 Block-B, Sai Thirumala and Bhaskar Towers, Reliance Trades, Champapet, Saroor Nagar, Vashaili Nagar, K.V. Ranga Reddy District - 500079, presently R/o. USA at 8801 Pathstone, Apartment 5407, Pensacola, Florida - 325226

Represented by his G.P.A. Holder Boojali Shayam Sunder Reddy, S/o. Parvath Reddy, Aged about 43 years, Occ. Employment, R/o. C-136 Kalvakurthy Mandal, Gundur, Mahabubnagar, Telangana - 509324

...Respondent / Respondent / Plaintiff

2. Masanagari Bal Reddy, S/o. M Papi Reddy, Aged about 53 years, Occ. Business, R/o. H.No. 17-1-386/SN/9 Flat No. 505 Block-B, Sai Thirumala and Bhaskar Towers, Reliance Trades, Champapet, Saroor Nagar, Vashaili Nagar, K.V. Ranga Reddy District - 500079
3. The District Registrar, Ranga Reddy District

...Respondent Nos. 2 and 3 / Defendant Nos 1 & 5

IA NO: 1 OF 2024

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 OS No. 10/2024, pending on the file of the X Additional District and Session Judge, Ranga Reddy District at L.B. Nagar, pending disposal of the main CRP in the interest of justice.

Counsel for the Petitioners : M/s Unnam Law Firm

Counsel for the Respondent No. 1 : Sri K Mahit Reddy

The Court made the following Order :

THE HONOURABLE SRI JUSTICE SUJOY PAUL

CIVIL REVISION PETITION No.1621 OF 2024

ORDER:

Sri Unnam Sravan Kumar, learned counsel appears for the petitioners and Sri K.Mahit Reddy, learned counsel for respondent No.1.

2. With the consent finally heard.

3. This petition filed under Article 227 of the Constitution of India assails the order dated 01.04.2024 in I.A.No.127 of 2024 in O.S.No.10 of 2024 on the file of X Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar. By impugned order, the trial Court rejected the application preferred by the petitioners under Order VII Rule 11 of the Code of Civil Procedure, 1908 (for short "C.P.C."), whereby, it is contended that the suit is barred by law and clause (d) of Rule 11 of Order VII of the C.P.C. was attracted. To bolster his submission, learned counsel for the petitioners raised two fold submissions. It is submitted that the GPA filed along with the plaint was not in conformity with Section 85 of the Indian Evidence Act, 1872 and Section 33 (1)(c) of the Indian Registration Act, 1908. The trial Court rejected the said contention by holding that the alleged defects pointed out by the petitioners are curable and at this stage, no case is made out for rejection of the plaint. Learned

counsel for the petitioners contended that the defects pointed out by the petitioners were indeed of nature, which attracts clause (d) of Rule 11 of Order VII of the C.P.C. The other side opposed the same.

4. I have heard the parties at length.

5. Section 85 and 33 (c) (1) aforesaid do not constitute "bar by law". The trial Court has taken a plausible view and in the opinion of this Court, it was not a stage, when plaint could have been dismissed. So far objections of the petitioners are concerned, the petitioners may take such objections in the written statement. After perusing the pleadings, it will be open for the trial Court to frame a preliminary issue in this regard and decide it, in accordance with law, at an appropriate stage. No case is made out for exercising the jurisdiction under Article 227 of the Constitution of India.

6. Accordingly, the Civil Revision Petition is disposed of. No costs.

Interlocutory applications, if any pending, shall also stand closed.

Sd/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The X Additional District and Sessions Judge, Ranga Reddy District at LB Nagar
2. One CC to M/s Unnam Law Firm, Advocate [OPUC]
3. One CC to Sri K Mahit Reddy Advocate [OPUC]

4. Two CD Copies

VA/gh

[Handwritten signature]

HIGH COURT

DATED:05/09/2024

ORDER

CRP.No.1621 of 2024



DISPOSING OF THE CRP

6
19/11/24
ba