

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION NO: 3816 & 3845 OF 2024

CIVIL REVISION PETITION NO: 3816 OF 2024

Petition under Article 227 of the Constitution of India aggrieved by the order dated 23/09/2024 passed in passed in IA No. 1821/2023 in OS No.30/2016 on the file of the Court of the VI ADDITIONAL DISTRICT AND SESSIONS JUDGE CUM FAMILY COURT. RANGA REDDY DISTRICT AT KUKATPALLY.

Between:

1. Smt. G. Sudha Vani, W/o Late Srinivas Goud, D/o D. Srisailam Goud, Aged. 45 years, Occ. Housewife, R/o H.No. 1-11-51, Chinna Thokatta, Bowenpally, Secunderabad.
2. Mr. V. Jaya Krishna, S/o Late V. Srisailam Goud, Aged. 42 years, Occ. Business, R/o Flat No. 201, Kusuma Residency, Plot No. 45, Tara Nagar, Serilingampally, R.R District and R/o H. No. 2-68, Nallagandla Village, Serilingampally (M), R.R. District .
3. Smt. K. Prasanna Lakshmi, W/o K. Sharath Babu, D/o Late V. Srisailam Goud, Aged. 38 years, Occ House wife, R/o. Jukkal Village, Shamshabad, R.R District.
4. Mr. Mallikarjun Goud, S/o V. Srisailam Goud, Aged. 40 years, Occ. Business, R/o H.No. 2-68, Nallagandla Village, Serilingampally Mandal, R.R. District.
5. Mr. V. Ajay Kumar Goud, S/o V. Srisailam Goud, Aged. 33 years, Occ. Business, R/o H.No. 2-68, Nallagandla Village, Serilingampally Mandal, R.R. District.

...Petitioner

AND

1. Smt. V. Saritha, W/o V. Jaya Krishna, D/o Ch. lilaiah, Aged. 40 years. R/o H.No. 2-3-703/2/B/1/B, Tirumala Nagar, Amberpet, Hyderabad-500013.
2. Master V. Sujana, S/o V. Jaya Krishna, Aged. 13 years, Rep by his Natural Guardian Mother, R/o H.No. 2-3-703/2/B/1/B, Tirumala Nagar, Amberpet, Hyderabad-500013.
3. V. Srinika, D/o V. Jaya Krishna, Aged. 11 years, Rep by his Natural Guardian Mother, R/o H.No. 2-3-703/2/B/1/B, Tirumala Nagar, Amberpet, Hyderabad-500013.

...Respondents

4. M/s. Aparna Constructions and Estate Pvt Ltd,, Rep. by its Managing Director, Mr. S.Subramanayam Reddy, Having its office at 802, Astral Heights, H.No. 6-3-352/1 863, Road No. , Banjara Hills, Hyderabad.

...Respondent/Petitioner

(R4 is not a necessary party)

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 of all further proceedings in OS No.30/ 2016 on the file of VIth Addl District and Judge Cum Family Court, R.R. District at Kukatpally, pending final disposal of main Revision.

CIVIL REVISION PETITION NO: 3845 OF 2024

Petition under Article 227 of the Constitution of India aggrieved by the order dated 23/09/2024 passed in passed in IA No. 1689/2023 in OS No.30/2016 on the file of the Court of the VI ADDITIONAL DISTRICT AND SESSIONS JUDGE CUM FAMILY COURT. RANGA REDDY DISTRICT AT KUKATPALLY

Between:

1. Smt. G. Sudha Vani, W/o Late Srinivas Goud, D/o D. Srisailam Goud, Aged. 45 years, Occ. Housewife, R/o H.No. 1-11-51, Chinna Thokatta, Bowenpally, Secundernbad.
2. Mr. V. Jaya Krishna, S/o Late V. Srisailam Goud, Aged. 42 years, Occ. Business, R/o Flat No. 201, Kusuma Residency, Plot No. 45, Tara Nagar, Serilingampally, R.R District and R/o H. No. 2-68, Nallagandla Village, Serilingampally (M), R.R. District .
3. Smt. K. Prasanna Lakshmi, W/o K. Sharath Babu, D/o Late V. Srisailam Goud, Aged. 38 years, Occ House wife, R/o. Jukkal Village, Shamshabad, R.R District.
4. Mr. Mallikarjun Goud, S/o V. Srisailam Goud, Aged. 40 years, Occ. Business, R/o H.No. 2-68, Nallagandla Village, Serilingampally Mandal, R.R. District.
5. Mr. V. Ajay Kumar Goud, S/o V. Srisailam Goud, Aged. 33 years, Occ. Business, R/o H.No. 2-68, Nallagandla Village, Serilingampally Mandal, R.R. District.

...Petitioner

AND

1. Smt. V. Saritha, W/o V. Jaya Krishna, D/o Ch. lilaiah, Aged. 40 years. R/o H.No. 2-3-703/2/B/1/B, Tirumala Nagar, Amberpet, Hyderabad-500013.
2. Master V. Sujana, S/o V. Jaya Krishna, Aged. 13 years, Rep by his Natural Guardian Mother, R/o H.No. 2-3-703/2/B/1/B, Tirumala Nagar, Amberpet, Hyderabad-500013.

3. V. Srinika, D/o V. Jaya Krishna, Aged. 11 years, Rep by his Natural Guardian Mother, R/o H.No. 2-3-703/2/B/1/B, Tirumala Nagar, Amberpet, Hyderabad-500013. **...Respondents**

4. M/s. Aparna Constructions and Estate Pvt Ltd,, Rep. by its Managing Director, Mr. S.Subramanayam Reddy, Having its office at 802, Astral Heights, H.No. 6-3-352/1 863, Road No. , Banjara Hills, Hyderabad.

...Respondent/Petitioner

(R4 is not a necessary party)

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 of all further proceedings in OS No.30/ 2016 on the file of VI Additional District And Sessions Judge Cum- Family Court. Ranga Reddy District At Kukatpally, pending final disposal of main Revision.

Counsel for the Petitioners

in both cases

: Mr. N. Ashok Kumar

Counsel for the Respondents

in both cases

: ...

The Court made the following : COMMON ORDER

THE HONOURABLE SRI JUSTICE P.SAM KOSHY
Civil Revision Petition Nos.3816 & 3845 of 2024

COMMON ORDER:

Heard Mr.N.Ashok Kumar, learned counsel for the petitioners. Perused the material available on record.

2. These two Civil Revision Petitions have been filed by the same parties in the same suit against the same respondents and the orders passed on the same dated i.e., 23.09.2024.

3. Civil Revision Petition No.3816 of 2024 is one which has been filed challenging the order passed in I.A.No.1821 of 2023 vide which the plaintiffs/petitioner filed a petition under Order VII Rule 14 read with Section 151 of Code of Civil Procedure 1908 (for short 'C.P.C.') seeking to receive documents which stands allowed.

4. Civil Revision Petition No.3845 of 2024 is one which has been filed challenging the order passed on a petition filed under order VI Rule 17 read with Section 151 of C.P.C. permitting the petitioner to amend the plaint.

5. The suit primarily is a suit for partition filed by the plaintiffs against the family members of the contesting

respondent No.2 who happens to be the husband of the plaintiff No.1 and the father of Plaintiff Nos.2 & 3.

6. The suit is one which was filed in the year 2016. Pending the suit, now the plaintiff had filed the aforesaid two I.As., seeking permission to receive documents and also permission to amend the plaint. Both these I.As., have been allowed. Vide I.A.No.1821 of 2023 the court has allowed in receiving the copy of the sethwar showing the ownership and title of the property to be that of the ancestors of the respondent/defendant. Likewise, I.A.No.1689 of 2023 was seeking for amendment to the extent of the share of the plaintiff being reduced from $2/3^{\text{rd}}$ to $1/6^{\text{th}}$ which again stood allowed by the trial court.

7. At this juncture, this Court is of the considered opinion that considering the impugned order in its totality and the nature of suit and the period from which it is pending before the trial court this Court is of the considered opinion that no strong case has been made out by the petitioners calling for the extraordinary supervisory jurisdiction of this Court under Article 227 of the Constitution of India, there does not seem to be any prima facie jurisdictional error illegality on the part of the trial court in the passing of the two orders. Moreover, this Court is

also reluctant in not to interfere with the impugned order for the reason that no substantial prejudice has been made out by the petitioners/defendants in the course of the two I.As., being allowed by the trial court.

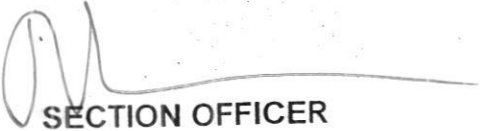
8. For all the aforesaid reasons, this Court does not find any merits and these civil revision petitions fails and are accordingly rejected.

9. Considering the fact that the suit itself is by now more than eight (08) years old, it is expected that the trial court shall expedite the pace of the same and decide the same as expeditiously as possible.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The VI ADDITIONAL DISTRICT AND SESSIONS JUDGE CUM FAMILY COURT. RANGA REDDY DISTRICT AT KUKATPALLY.
2. One CC to Mr. N. Ashok Kumar, Advocate [OPUC]
3. Two CD Copies

DL



HIGH COURT

DATED:13/12/2024



COMMON ORDER

CRP.Nos.3816 & 3845 of 2024

REJECTING THE CRPs

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