

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

FRIDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

CIVIL REVISION PETITION NO: 1056, 1133 & 1308 OF 2024

COMMON C.T. IN ALL C.R.Ps :

C.R.P.No.1056 of 2024 :

Petition under Article 227 of the Constitution of India, against the Order and Decree made in I.A.No.409 of 2022 in I.A.No.576 of 2015 in O.S.No.393 of 2010 dated 18.12.2023 on the file of the III Senior Civil Judge at City Civil Court, Secunderabad.

C.R.P.No.1133 of 2024 :

Petition under Article 227 of the Constitution of India, against the Order and Decree made in I.A.No.410 of 2022 in I.A.No.577 of 2015 in O.S.No.393 of 2010 dated 18.12.2023 on the file of the III Senior Civil Judge at City Civil Court, Secunderabad.

C.R.P.No.1308 of 2024 :

Petition under Article 227 of the Constitution of India, against the Order and Decree made in I.A.No.411 of 2022 in I.A.No.578 of 2015 in O.S.No.393 of 2010 dated 18.12.2023 on the file of the III Senior Civil Judge at City Civil Court, Secunderabad.

Between:

1. Smt .V. Manemma (DIED), (Since died on 23.02.2014)/
2. V.P. Abhishek,, S/o. late V. Prabhakar Aged about 35 years, Occ . Unemployed, R/o. Subhash Road, Seunderabad.
3. Kumari V.Vaishnavi, D/o. late V. Prabhakar, Aged about 23 years, Occ . Unemployed, R/o. Subhash Road, Seunderabad.

...PETITIONERS

AND

1. Smt. P. Lalitha, , W/o. Sri P. Narsing Rao, / Aged about 54 years,
2. P. Narsing Rao, S/O Narsingsha, Aged about 63 years, Occ Retired Employee,

3. P. NaveenKumar, S/o. Narsing Rao, Aged about 39 years, All carrying on business in the premises No.3-3-177, Ground Floor, Subhash Road, Secunderabad. R/o. LIG, 135, Bharat Nagar Near, Near BHEL Ramchandrapuram , Hyderabad.

...RESPONDENTS

Counsel for the Petitioners : SRI. CH SHASHI BHUSHAN

Counsel for the Respondents : SRI D. RAMAKRISHNA

The Court made the following: COMMON ORDER

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY
CIVIL REVISION PETITION Nos.1056, 1133 & 1308 of 2024

COMMON ORDER:

All these Civil Revision Petitions arise out of common order passed by the trial Court, hence, they are heard together and are being disposed of by common order.

2. Civil Revision Petition Nos.1056, 1133 & 1308 of 2024 are filed aggrieved by the common order dated 18.12.2023 passed in IA.Nos.409, 410 and 411 of 2022 in OS.No.393 of 2010, respectively, on the file of the III Senior Civil Judge, City Civil Court, Secunderabad.
3. Heard Sri D.Rama Krishna, learned counsel for the revision petitioners. Despite service of notice, none appeared for respondents. Perused the entire material available on record.
4. Learned counsel for the revision petitioners mainly submitted that the delay in filing the application for setting aside the abatement application was neither willful nor deliberate but only due to the depression suffered by the revision petitioners. He further submitted that the trial Court having observed that the revision petitioners have filed documents vide SR.Nos.296 and 297

of 2020 in support of their case that they are legal heirs of the deceased plaintiff, ought not to have dismissed the applications by the impugned order and prayed to allow the Civil Revision Petitions.

5. Averting to the above submissions, the facts of the case, if narrated in narrow compass, necessary for adjudication of the present Revision Petitions, are that the revision petitioners filed I.A.No.576 of 2015 seeking to condone the delay of 105 days in filing the application to set aside the dismissal/abatement order dated 08.09.2014, IA.No.577 of 2015 to set aside the abatement order dated 08.09.2014 and IA.No.578 of 2015 to allow the revision petitioners to come on record as plaintiff Nos.2 and 3 in the suit. All the said applications were dismissed by the trial Court vide orders dated 19.07.2021. Seeking to review the said orders, the revision petitioners filed I.A.Nos.409, 410 and 411 of 2022 before the trial Court, however, the same were also dismissed vide impugned common order dated 18.12.2023.

6. It is relevant to note that initially, IA.Nos.576, 577 and 578 of 2015 were dismissed by the trial Court on the grounds that the

revision petitioners did not produce any medical certificate in support of their plea of depression due to which the delay occurred in filing the application to set aside the abatement order; that the revision petitioners have not filed any document to substantiate their plea that they are legal heirs of the deceased Manemma-the original plaintiff in the suit. Subsequently, the revision petitioners sought review of the said orders by filing I.A.Nos.409, 410 and 411 of 2022. In the said applications, the revision petitioners averred that they filed as many as five documents, i.e., Copies of Ration Card, Passport and Death Certificates (3) vide SR.Nos.296 and 297 of 2020, however, the Court has lost sight of the said documents while passing the earlier orders in IA.Nos.576, 577 and 578 of 2015.

7. In the impugned common order passed in the aforesaid three applications, the trial Court has categorically observed that the office of the Court has not brought the aforesaid documents vide SR.Nos.296 and 297 of 2020 to notice of her predecessor Presiding Officer. However, the trial Court observed that in view of finding of her predecessor in office that the revision petitioners did not file

any medical certificate to condone the delay, no purpose would be served in reviewing the orders passed in I.A.Nos.578 and 579 of 2015, filed for setting aside abatement and impleadment of the revision petitioners as legal representatives of the deceased plaintiff and accordingly, dismissed all the applications.

8. Perusal of record reveals that the revision petitioners contended that their mother died on 05.10.2013 and soon after a while, their grandmother-the original plaintiff, died intestate on 23.02.2014 and as such, they were under depression and sorrow and in those circumstances, delay occurred in filing the application seeking to set aside abatement.

9. In this regard, it is pertinent to note that in general and usual course, whenever there is bereavement in the family due to sudden death of the family members, obviously, the other family members would be under grief due to which their daily routine will be hampered. In the above background, it is to be noted that in the instant case, admittedly, the revision petitioners lost their mother and grandmother within a short interval of about four months, therefore, as pleaded by them, they would have been utter

depression and sorrow. However, the trial Court dismissed the application observing that the revision petitioners failed to produce any medical certificate to show their depression. The suit is filed for recovery of possession of the suit schedule property and arrears of rent and as such, valuable rights of the parties to the *lis* are involved. In the face of the aforesaid facts of the case, this Court is of the opinion that the trial Court ought to have taken a lenient view and afforded an opportunity to the revision petitioners to put forth their case by condoning the delay, instead of dismissing the application on technicalities. Moreover, the delay is only 105 days, which cannot be said to inordinate, therefore, this Court is of the considered view that ends of justice would be met if the delay is condoned and the revision petitioners are permitted to come on record as plaintiff Nos.2 and 3 in the suit and prosecute their case.

10. For the foregoing reasons, this Court is of the considered view that the trial Court erred in dismissing the applications and accordingly, the impugned orders are liable to be set aside.

11. In the result, all the Civil Revision Petitions are allowed and the common order dated 18.12.2023 passed in IA.Nos.409, 410 and

411 of 2022 on the file of the III Senior Civil Judge, City Civil Court, Secunderabad, are hereby set aside and consequently, all the said interlocutory applications stand allowed.

12. Pending miscellaneous applications, if any, shall stand closed. No costs.

//TRUE COPY//

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The III Senior Civil Judge at City Civil Court, Secunderabad.
2. One CC to Sri Ch.Shashi Bhushan, Advocate (OPUC)
3. One CC to Sri D.Ramakrishna, Advocate (OPUC)
4. Two CD Copies

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HIGH COURT

DATED:28/03/2025



ORDER

CRP.No.1056, 1133 & 1308 of 2024

**Allowing the C.R.Ps
Without costs.**

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