IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY,THE TWENTY FOURTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

CIVIL REVISION PETITION Nos: 1849 and 1850 OF 2022

Civil Revision Petition No.1849 of 2022

Petition under Article 227 of the Constitution of India, aggrieved by the order in Tr.O.P.No.38 of 2022 Dated.18.07.2022 on the file of the Chief Judge, City Civil Court, Hyderabad.

Between:

Dhanaram Shamala, W/o. Shivaiah, aged 48 years, Occ House wife, R/o.2-3-512/4/9/A/1, Bapu Nagar, Amberpet, Hyderabad.

...Petitioner

AND

1. Chandrakala @ Devarai Shyamala , W/o. Late Baburao, aged 50 years, Occ Housewife, R/o.H.No.2-2-185/24/41/A. Mallikarjunanagar, Amberpet, Hyderabad.
2. Devarai Shailender, S/o.Late Baburao, aged about 29 years, Occ Employee, R/o.H.No.2-2-185/24/41/A, Mallikarjunanagar, Amberpet, Hyderabad.
3. Devarai Anitha, D/o.Late Baburao, aged 26 years, Occ House wife, R/o.H.No.2-2-185/24/41/A, Mallikarjuna Nagar, Amberpet, Hyderabad.
4. Devarai Vijay Sai, S/o. late Baburao, aged 24 years, Occ Employee, R/o.2-2-185/24/41/A, Mallikarjuna Nagar, Amberpet, Hyderabad.

...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 stay all further proceedings in O.S.No.103 of 2019 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad.

Counsel for the Petitioner: Ms T.V. LAXMIKANTHAM

Counsel for the Respondents: SRI VENKATESWARLU SANISETTY

Civil Revision Petition No.1850 of 2022

Petition under Article 227 of the Constitution of India, aggrieved by the order in Tr.O.P.No.40 of 2022 Dated.18.07.2022 on the file of the Chief Judge, City Civil Court, Hyderabad.

Between:

Dhanaram Shamala, W/o.Shivaiah, aged 48 years, Occ. House wife, R/o.2-3-512/4/9/A/1, Bapu Nagar, Amberpet, Hyderabad.

...Petitioner

AND

1. Chandrakala @ Devarai Shyamala, W/o.Late Baburao, aged 50 years, Occ. Housewife, R/o.H.No.2-2-185/24/41/A, Mallikarjunanagar, Amberpet, Hyderabad.
2. Devarai Shailender, S/o.Late Baburao, aged about 29 years, Occ. Employee, R/o.H.No.2-2-185/24/41/A, Mallikarjunanagar, Amberpet, Hyderabad.
3. Devarai Anitha, D/o.Late Baburao, aged 26 years, Occ. House wife, R/o.H.No.2-2-185/24/41/A, Mallikarjuna Nagar, Amberpet, Hyderabad.
4. Devarai Vijay Sai, S/o.late Baburao, aged 24 years, Occ.Employee, R/o.2-2-185/24/41/A, Mallikarjuna Nagar, Amberpet, Hyderabad.
5. D.Satyanarayana, S/o.Shivaiah, aged 32 years, Occ. Private Employee, R/o.2-3-512/4/9/A/1, Bapu Nagar, Amberpet, Hyderabad.

...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 stay all further proceedings in O.S.No.3161 of 2019 on the file of the VII Junior Civil Judge, City Civil Court, Hyderabad.

Counsel for the Petitioner: Ms T.V.LAXMIKANTHAM

Counsel for the Respondents: SRI VENKATESWARLU SANISETTY

The Court made the following: COMMON ORDER

THE HON'BLE JUSTICE B.R. MADHUSUDHAN RAO

CIVIL REVISION PETITION Nos.1849 and 1850 OF 2022

COMMON ORDER:

C.R.P.No.1849 of 2022

1. This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order passed in Tr.O.P.No.38 of 2022, dated 18.07.2022 by the learned Chief Judge, City Civil Court, Hyderabad.

2.1 Petitioner is the petitioner and respondents are the respondents in Tr.O.P.No.38 of 2022, which is filed under Section 24 of the Code of Civil Procedure to transfer O.S.No.103 of 2019 pending on the file of learned VII Junior Civil Judge, City Civil Court, Hyderabad to the file of learned VII Senior Civil Judge, City Civil Court, Hyderabad, to be tried along with O.S.No.288 of 2022.

2.2 Suit Schedule property in O.S.No.288 of 2022 is House bearing No.2-3-512/4/9/A, Bapu Nagar, Amberpet, Hyderabad with specific boundaries.

3. It is stated in Tr.O.P.No.38 of 2022 that petitioner-plaintiff has filed OS.No.288 of 2022 to declare her as the absolute owner and possessor of the suit schedule property and for perpetual injunction restraining respondents-defendants from interfering in her peaceful possession and enjoyment and also to declare the

document No.801 of 2019, dated 18.02.2019 as null and void. It is further stated in Tr.O.P. that respondent No.1 herein has also filed a suit in O.S.No.103 of 2019 for perpetual injunction restraining the petitioner herein – defendant therein from interfering with her peaceful possession and enjoyment over the very same schedule property which is shown in O.S.No.288 of 2022.

4.1 Respondent No.1 herein filed counter to the Transfer O.P. contending that the contentions raised by the parties are different and suit in OS.No.103 of 2019 cannot be transferred to the Court of learned VII Senior Civil Judge, City Civil Court, Hyderabad.

4.2 Suit Schedule Property in O.S.No.103 of 2019 is the same schedule property of O.S.No.288 of 2022.

5. Learned trial Court *vide* order dated 18.07.2022 has dismissed Tr.O.P.No.38 of 2022 on the premise that the petitioner has approached the Court with unclean hands by filing connected Tr.OPs. with false averments.

C.R.P.No.1850 of 2022

6. This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order passed in Tr.O.P.No.40 of 2022, dated 18.07.2022 by the learned Chief Judge, City Civil Court, Hyderabad.

7. The petitioner has filed Tr.OP.No.40 of 2022 against the respondents herein to transfer OS.No.3161 of 2019 pending on the file of learned VII Junior Civil Judge, City Civil Court, Hyderabad to learned VII Senior Civil Judge, City Civil Court, Hyderabad to be tried along with OS No.288 of 2022.

8.1 It is stated in Tr.OP.No.40 of 2022 that petitioner-plaintiff has filed OS.No.288 of 2022 to declare her as the absolute owner and possessor of the suit schedule property and for perpetual injunction restraining respondents-defendants from interfering in her peaceful possession and enjoyment and also to declare the document No.801 of 2019, dated 18.02.2019 as null and void. It is further stated in the Tr.OP. that respondent No.1 herein has filed suit in OS.No.3161 of 2019 against the petitioner herein/defendant No.1 therein and her son (D.Satya Narayana)/defendant No.2 for declaration to declare the document No.407 of 2014 dated 06.02.2014 as null and void and for perpetual injunction restraining the defendants therein not to change the nature of suit schedule property.

8.2 Respondent No.1 herein field counter in the Tr.OP., contending that the contentions raised by the parties are different and suit in O.S.No.3161 of 2019 cannot be transferred.

9. Learned trial Court has dismissed Tr.OP.No.40 of 2022 on the premise that petitioner herein has approached the Court with unclean hands by filing connected Tr.OP.s., with false averments.

10. Learned counsel for the petitioner in both the Tr.OPs. contended that the suit schedule properties in O.S.No.103 of 2019 and in O.S.No.3161 of 2019 are one and the same with that of suit schedule property in O.S.No.288 of 2022. Learned counsel also contended that the petitioner herein has also filed a suit for perpetual injunction in O.S.No.164 of 2019 restraining the respondent No.1 herein from interfering with her peaceful possession and enjoyment over the same suit schedule property.

11. During the course of hearing, learned counsel for the petitioner has filed an undertaking signed by the deponent (petitioner) stating that the petitioner is taking steps to withdraw O.S.No.164 of 2019, pending before the learned VII Junior Civil Judge, City Civil Court, Hyderabad without claiming any equities. The said undertaking is taken on record.

12. Learned counsel for the respondents contended that suit in O.S.No.164 of 2019 is coming up for arguments. In view of the undertaking given by the petitioner which is signed by the counsel, the said point does not require any further discussions.

13. Insofar as suit filed by the petitioner in O.S.No.288 of 2022 is concerned, she has filed the suit to declare as the owner of the plaint schedule property and also for perpetual injunction restraining the respondents-defendants from interfering in her peaceful possession and enjoyment of the property and also to declare the document No.801 of 2019 dated 18.02.2019 as null and void executed by defendant No.1 (respondent No.1 herein) in favour of defendant Nos.2 to 4 (respondent Nos.2 to 4 herein).

14. It is apt to mention here that respondent No.1 has also filed suit for perpetual injunction in O.S.No.103 of 2019 against the petitioner, who is the defendant in the suit, for perpetual injunction in respect of the same schedule property shown in O.S.No.288 of 2022.

15. While things stood thus, respondent No.1 has filed another suit in O.S.No.3161 of 2019 against the petitioner herein and her son by name D.Satya Narayana for declaration to declare the document No.407 of 2014 dated 06.02.2014 executed by defendant No.1 (petitioner herein) in favour of defendant No.2 therein (D.Satya Narayana) as null and void and for perpetual injunction not to change the physical features of the suit schedule property.

16. The suit in O.S.No.288 of 2022 is coming up for cross examination of PW-1 and suit in O.S.No.103 of 2019 is coming up for final arguments.

17. As the schedule property in O.S.No.288 of 2022 is the same with that of O.S.No.103 of 2019. The comprehensive suit filed by the petitioner is O.S.No.288 of 2022 and O.S.No.103 of 2019 filed by respondent No.1 is a simple suit for perpetual injunction, therefore, it is to be clubbed and tried along with O.S.No.288 of 2022 to avoid conflicting judgments. Hence, O.S.No.103 of 2019 pending on the file of learned VII Junior Civil Judge, City Civil Court, Hyderabad is transferred to learned VII Senior Civil Judge, City Civil Court, Hyderabad, to be tried along with O.S.No.288 of 2022.

18. Insofar as O.S.No.3161 of 2019 is concerned, it is the suit filed by respondent No.1 for declaration to declare the document as null and void and for perpetual injunction not to change the nature of the suit schedule property. As the suit in O.S.No.288 of 2022 is also for declaration and suit in O.S.No.3161 of 2019 is also for declaration, this Court feels that if suit in O.S.No.3161 of 2019 pending on the file of learned VII Junior Civil Judge, City Civil Court, Hyderabad is transferred to learned VII Senior Civil Judge, City Civil Court, Hyderabad, to be tried separately/simultaneously

which will meet the ends of justice and to avoid conflicting judgments.

19. In view of the reasons stated above, CRP No.1849 of 2022 is allowed and the suit in O.S.No.103 of 2019 pending on the file of learned VII Junior Civil Judge, City Civil Court, Hyderabad is transferred to learned VII Senior Civil Judge, City Civil Court, Hyderabad to be tried along with O.S.No.288 of 2022 without costs.

20. CRP No.1850 of 2022 is allowed and the suit in O.S.No.3161 of 2019 pending on the file of learned VII Junior Civil Judge, City Civil Court, Hyderabad is transferred to learned VII Senior Civil Judge, City Civil Court, Hyderabad, to be tried separately/ simultaneously with O.S.No.288 of 2022 without costs.

21. Accordingly, both the Civil Revision Petitions are allowed. There shall be no order as to costs.

Interim orders if any stand vacated. Miscellaneous petition/s shall stand closed.

SD/- A.H.S.GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Judge, City Civil Court, Hyderabad.
2. The VII Junior Civil Judge, City Civil Court, Hyderabad.
3. One CC to Ms. T V LAXMIKANTHAM Advocate [OPUC]
4. One CC to SRI VENKATESWARLU SANISETTY Advocate [OPUC]
5. Two CD Copies

NVB/PSL

HIGH COURT

DATED:24/11/2025



COMMON ORDER

CRP.Nos.1849 and 1850 of 2022

ALLOWING THE BOTH CIVIL REVISION PETITIONS

12/12/25