IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY SIXTH DAY OF SEPTEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

I.A. No. 2 of 2025
IN/AND
CIVIL REVISION PETITION NO: 3534 OF 2025

Petition under Article 227 of the Constitution of India, aggrieved by the Order made O.S.SR.No.1035/2025 in dated 8-7-2025 on the file of the court of the Principal District and Sessions Judge, at Bhongir.

Between:

Chinthireddy Devender reddy, S/o Late Raji Reddy, Aged 51 years, Occ. Business, R/o H.No.2-11-210/304, Shashank Nagar Colony, Bharathiya Vidya Bhavan, Road-3, Vidyaranyapuri, Hanamkonda-500009

...Petitioner/Plaintiff

AND

1. Athmakur Akash, S/o Vallabadas, Aged about 37 years, Occ. Business, R/o A-1203, Yeiahanka New Town, Bengaluru, Karnataka State-5600064.
2. Vanam Parvathi, W/o Venam Durgaiah, Aged about 39 years, Occ.Housewife, R/o H.No. 1-11-9/8/3, Narsuked Shanthi Nagar Colony, Medak town, Medak District.

...Respondent/Defendant

IA NO: 2 OF 2025

Petition under Section 149 of CPC R/W 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant extension of time by invoking S.149 of CPC to make good the deficit court fee within a period of 4 months from today.

Counsel for the Petitioner : Sri Kunal Kakkad representing Sri B. Mohan

Counsel for the Respondents : -

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SARATH

I.A.No.2 of 2025

in/and

CIVIL REVISION PETITION No.3534 OF 2025

ORDER:

This Civil Revision Petition is filed aggrieved by the Docket Order dated 08.07.2025 passed in O.S.SR.No.1035/2025 by the Principal District and Sessions Judge, Bhongir.

2. Heard Sri Kunal Kakkad, learned counsel representing Sri B.Mohan, learned counsel for the petitioner and perused the entire material on record.

3. Learned counsel for the petitioner submits that the suit filed by the petitioner was returned on the ground that the petitioner/plaintiff sought relief for Rs.7,00,70,000/- but the petitioner paid court fee only to the extent of Rs.72,526/-. The counsel for the plaintiff in the said suit submitted that the plaintiff would give undertaking that if the suit ends in his favour then he will pay the court fee on alternative relief. However, the Court fee to be paid by the party should not be

conditional depending on the happening of some future event. Therefore, it is not as if the plaintiff complied the objections and hence, the suit was returned. Aggrieved by the said action, the petitioner preferred the present CRP.

4. Learned counsel for the petitioner further submits that the petitioner had given an undertaking to pay the amount for deficit Court fee within four (04) months from today by filing I.A.No.2 of 2025 in C.R.P.No.3534 of 2025 under Section 149 of C.P.C. In view of the same, learned counsel requested to set aside the docket order dated 08.07.2025 in O.S.SR.No.1035 /2025 passed by the Principal District and Sessions Judge, Bhongir and direct the trial Court to number the suit and grant time to pay deficit Court fee under Section 149 of the Code of Civil Procedure.

5. After hearing the learned counsel for the petitioner and on a perusal of the material available on record, without going into merits of the case, the I.A.No.2 of 2025 in C.R.P.No.3534 of 2025 as well as the C.R.P.No.3534 of 2025 are

disposed of directing the Principal District and Sessions Judge, Bhongir to number the O.S.SR.No.1035/2025 filed by the revision petitioner, on its file, subject to condition that the petitioner has to deposit the deficit Court fee within three (03) months from the date of receipt of copy of this order.

Miscellaneous petitions pending, if any, in this revision petition shall stand closed.

Sd/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal District and Sessions Judge, at Bhongir.
2. One CC to Sri B. Mohan, Advocate [OPUC]
3. Two CD Copies

DL

HIGH COURT

DATED:26/09/2025



ORDER

I.A. No. 2 of 2025
IN/AND
CRP.No.3534 of 2025

I.A. NO. 2 OF 2025 AND
CRP NO. 3534 OF 2025 ARE DISPOSED OF

7/10/25