

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

**WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
CIVIL REVISION PETITION NO: 3543 OF 2025**

Petition Under Article 227 of the Constitution of India aggrieved by the order dated 27-06-2025 in I.A.No. 6725/2024 in ASSR No. 24119 /2024 on the file of the Court of the Chief Judge, City Civil Courts, at Hyderabad.

Between:

Gundeboina Venkatesham, W/o G. Chennaiah, Aged about 53 years, occ. Govt., Employee, R/o H. No. 8-4-17/60, Sairam Nagar Colony, Champapet, Hyderabad.

...PETITIONER

AND

1. S. Chandrakala, W/o late S. Yadagiri Aged about 57 years, Occ.Govt., Employee, R/o H. No. 19-4/280/22, Miryalam, Filterpet, Quarter No. 22, Thadban, Hyderabad.
2. A. Manjula, (died)
3. A. Yadaiah @ Yadagiri Yadav, (died)
4. A. Vamshi Krishna, S/o Yadaiah, Aged about 30 years, Occ. Pvt., Employee, R/o H. no. 19-4/280/22, Miryalam, Filterpet, Quarter No. 22, Thadban, Hyderabad.
5. A. Swathi, D/o Yadaiah, Aged about 28 years, Occ. Student, R/o H.No. 19- 4/280/22, Miryalam, Filterpet, Quarter No. 22, Thadban, Hyderabad.
6. Deputy Commissioner, GHMC, Circle No. 7, Khairatabad, Hyderabad,

...RESPONDENTS/ Respondents/Respondents

I.A. No. 2 of 2025

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 proceedings in pursuance of the judgment and decree Dt: 07-08-2024 passed in OS No. 1252/2019 passed by the Hon'ble XVII Addl. Senior Civil Judge, City Civil Court at Hyderabad, pending disposal of above CRP.

Counsel for the Petitioner: Sri. Rapolu Bhaskar

Counsel for the Respondents: --

The Court made the following: ORDER

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

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION No.3543 OF 2025

DATE : 31.12.2025

Between:

Sri. Gundeboina Venkatesham

...Petitioner

AND

Smt. S. Charudrakala and 5 others.

...Respondent

ORDER:

The present is a Civil Revision Petition under Article 227 of the Constitution of India challenging the order dated 27.06.2025 passed by the learned Chief Judge, City Civil Court, Hyderabad, in I.A.No.6725 of 2024 in A.S.S.R.No.24119 of 2024.

2. Heard Mr. Rapolu Bhaskar, learned counsel for the petitioner.
3. *Vide* the impugned order, the Appellate Court has rejected the application filed by the petitioner herein to condone the delay of 36 days in filing the appeal.

4. Learned counsel for the petitioner in the course of his arguments submits that it is a case where a Suit *vide* O.S.No.1252 of 2019 was filed by the petitioner for declaration of title and cancellation of gift deed bearing document No.1481 of 2010 and for perpetual injunction in respect of the suit schedule property before the learned XVII Additional Senior Civil Judge, City Civil Court, Hyderabad. The said Suit stood dismissed on 07.08.2024. Against the said judgment, the petitioner preferred an appeal with a delay of 36 days, and along with the appeal, he filed an application for condonation of delay which was registered as I.A.No.6725 of 2024. The said IA stood dismissed only on the ground that the application of the petitioner was as vague as it could be without any plausible explanation justifying the delay caused, much less each day's delay.

5. It is this I.A. which stood dismissed *vide* the impugned order leading to filing of the present Civil Revision Petition.

6. Today when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner, being a government employee, was occupied with official duties and therefore, could not contact his counsel in time for the purpose of filing the appeal against the judgment dated

07.08.2024, resulting in the delay. It is contended that for the said cause shown for the delay, the petitioner should not suffer an irreparable loss.

7. Nonetheless, the Appellate Court ought to have considered the fact that it was a case where the Suit stood dismissed, and it was the plaintiff's appeal. If the appeal is not entertained on merits, the petitioner would be rendered remediless which is not in the larger interests of justice. Thus, prayed for a suitable order from this Court in exercise of its powers under Article 227 of the Constitution of India i.e., the supervisory power.

8. Having heard the learned counsel for the petitioner, this Court finds sufficient force and strength in the arguments of the learned counsel for the petitioner to the extent that the appellant did not contact his counsel in time for filing the appeal due to office exigencies. However no person should be rendered remedyless. Condonation of delay petitions are prepared by the Counsel representing the party and it is well settled position of law that while preparing the same, plausible explanation should be reflected showing the delay of each day in filing of the appeal whatever be the period of delay. In the absence of such details, it cannot be expected that the Courts would always consider the applications as a matter of routine or for that matter the

application for condonation of delay would be allowed even if it is bereft of explanation and justification for the delay.

9. This Court does not find any fault on the part of the Appellate Court while rejecting the condone delay application as the same did not reflect any explanation. However, what is necessary to be considered by this Court at this juncture, more particularly when the relief sought for by the petitioner is one under Article 227 of the Constitution of India which is otherwise supervisory Writ jurisdiction which is also meant to impart equity-based justice to the parties.

10. As has been discussed in the earlier paragraphs, for the fault of the petitioner in not contacting his counsel for filing the appeal in time owing to office exigencies, this Court is of the view that the party should not be rendered remediless. As unless the delay is condoned, the appeal cannot be taken up for hearing and his claim for partition would get extinguished for all times to come. In the given circumstances, and in the peculiar facts of the present case, this Court is of the opinion that a strong case for allowing the present Civil Revision Petition has been made out. Accordingly, the impugned order dated 27.06.2025 is set aside and the matter stands remitted back to the

Appellate Court permitting the petitioner to file fresh application for condonation of delay giving proper justification for the delay of 36 days in filing of the first appeal. Upon such application being filed, the Appellate Court is expected to take an appropriate decision in accordance with law.

11. Accordingly, the present Civil Revision Petition is allowed and disposed of. No costs.

12. As a sequel, miscellaneous petitions pending if any, shall stand closed.

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. S. Chandrakala, W/o late S. Yadagiri, Occ.Govt., Employee, R/o H.No. 19-4/280/22, Miryalam, Filterpet, Quarter No. 22, Thadban, Hyderabad.
2. A. Vamshi Krishna, S/o Yadaiah, Occ. Pvt., Employee, R/o H. No. 19-4/280/22, Miryalam, Filterpet, Quarter No. 22, Thadban, Hyderabad.
3. A. Swathi, D/o Yadaiah, Occ. Student, R/o H. No. 19-4/280/22, Miryalam, Filterpet, Quarter No. 22, Thadban, Hyderabad.
4. Deputy Commissioner, GHMC, Circle No. 7, Khairatabad, Hyderabad,
5. One CC to SRI. RAPOLU BHASKAR, Advocate [OPUC]
6. Two CD Copies

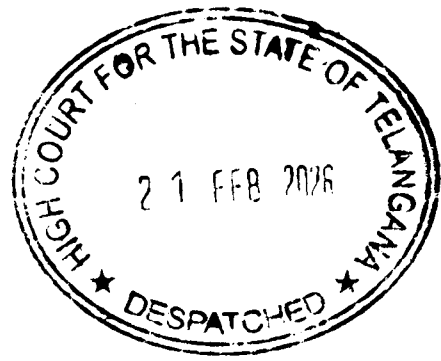
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HIGH COURT

DATED: 31/12/2025

ORDER

CRP.No.3543 of 2025



ALLOWING THE CRP

WITHOUT COSTS

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ASV
6/2/26