

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

FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION Nos: 3946, 3960 & 3974 OF 2025

CIVIL REVISION PETITION No: 3946 OF 2025

Petition under Article 227 of the constitution of India aggrieved by the Order dated 06/10/2025 Passed in I.A.No.400 of 2025 in O.S.No.654 of 2022 on the file of the Court of the VI Junior Civil Judge, City Civil Court at Hyderabad.

Between:

Durga Prasad Dixit, S/o. Late Dattathri Prasad Dixit, aged 60 Yrs., Occ-Advocate, R/o. H.No.23-5-222, Laldarwaza, Hyderabad

...Revision Petitioner/Respondent/Defendant No.1

AND

1. R.SubashRao, S/o. Late R.GanapathiRao, aged 70 Yrs., Occ- Ret. Govt. Employee, R/o. H.No.18-8-224/5/53, Raj Narsimha Colony, Midhani, Hyderabad.

...Respondent/Respondent/Plaintiff

2. Mr Devi Prasad Dikshit,, S/o. Late Dattathri Prasad Dixit, aged 58 Yrs., Occ Business,R/o. H.No.23-5-222, Laldarwaza, Hyderabad.
3. Mr.Kishan Prasad Dikshit, S/o. Late Dattathri Prasad Dixit, aged 54Yrs. Occ Business,R/o. H.No.23-5-222, Laldarwaza, Hyderabad.
4. The Commissioner and Special Officer, G.H.M.C. Tank Bund Road, Hyderabad
5. The Zonal Commissioner, G.H.M.C., Circle No.9, Office at premises No.18-1-436/6/1/A Opp. NAC Building, NirquiPhoolBagh, Chandrayangutta, Hyderabad
6. The Assistant City Planner,, G.H.M.C. Circle No. 9. Office at premises No. 18-1-436/16/1/A Opp- NAC Building, NirquiPhoolBagh, Chandrayangutta, Hyderabad Respondents No. 2 to 6 Not Necessary Parties in This CRP

...Respondents

IA NO: 1 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 suspend order date 06-10-2025 in I.A No.400/2025 in OS No.654/2022 on the file of the VI Junior Civil Judge, City Civil Courts At Hyderabad the same.

CIVIL REVISION PETITION No: 3960 OF 2025

Petition under Article 227 of the constitution of India aggrieved by the Order dated 06/10/2025 Passed in I.A.No.401 of 2025 in O.S.No.654 of 2022 on the file of the court of the VI Junior Civil Judge, City Civil Court at Hyderabad.

Between:

Durga Prasad Dixit, S/o. Late Dattathri Prasad Dixit, aged 60 Yrs., Occ. Advocate, R/o. H.No.23-5-222, Laldarwaza, Hyderabad.

...Revision Petitioner/Respondent/Defendant No.1

AND

1. R.Subash Rao, S/o. Late R.Ganapathi Rao, aged 70 Yrs., Occ. Ret. Govt. Employee, R/o. H.No.18-8-224/5/53, Raj Narsimha Colony, Midhani, Hyderabad.

...Respondent/Respondent/Plaintiff

2. Mr Devi Prasad Dikshit, S/o. Late Dattathri Prasad Dixit, aged 58 Yrs., Occ Business, R/o. H.No.23-5-222, Laldarwaza, Hyderabad.
3. Mr.Kishan Prasad Dikshit, S/o. Late Dattathri Prasad Dixit, aged 54Yrs., Occ Business, R/o. H.No.23-5-222, Laldarwaza, Hyderabad.
4. The Commissioner and Special Officer,, G.H.M.C. Tank Bund Road, Hyderabad.
5. The Zonal Commissioner., G.H.M.C., Circle No.9, Office at premises No.18-1-436/6/1/A Opp. NAC Building, NirquiPhoolBagh, Chandrayangutta, Hyderabad.
6. The Assistant City Planner,, G.H.M.C. Circle No. 9. Office at premises No. 18-1-436/16/1/A Opp. NAC Building, NirquiPhoolBagh, Chandrayangutta, Hyderabad.

Respondents No. 2 to 6 Not Necessary Parties in This CRP

...Respondents

IA NO: 1 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 suspend order date 06-10-2025 in I.A No.401/2025 in OS No.654/2022 on the file of the VI Junior Civil Judge, City Civil Courts At Hyderabad the same.

CIVIL REVISION PETITION No: 3974 OF 2025

Petition under Article 227 of the constitution of India aggrieved by the Order dated 06/10/2025 Passed in I.A.No.399 of 2025 in O.S.No.654 of 2022 on the file of the court of the VI Junior Civil Judge, City Civil Court at Hyderabad.

Between:

Durga Prasad Dixit, S/o. Late Dattathri Prasad Dixit, aged 60 Yrs., Occ Advocate, R/o. H.No.23-5-222, Laldarwaza, Hyderabad.

...Revision Petitioner/Respondent/Defendant No.1

AND

1. R.SubashRao, S/o. Late R.Ganapathi Rao, aged 70 Yrs., Occ Ret. Govt. Employee, R/o. H.No.18-8-224/5/53, Raj Narsimha Colony, Midhani, Hyderabad.

...Respondent/Respondent/Plaintiff

AND

2. Mr Devi Prasad Dikshit, S/o. Late Dattathri Prasad Dixit, aged 58 Yrs., Occ Business, R/o. H.No.23-5-222, Laldarwaza, Hyderabad
3. Mr.Kishan Prasad Dikshit, S/o. Late Dattathri Prasad Dixit, aged 54Yrs., Occ Business, R/o. H.No.23-5-222, Laldarwaza, Hyderabad
4. The Commissioner and Special Officer, G.H.M.C. Tank Bund Road, Hyderabad
5. The Zonal Commissioner, G.H.M.C., Circle No.9, Office at premises No.18-1-436/6/1/A Opp. NAC Building, NirquiPhoolBagh, Chandrayangutta, Hyderabad
6. The Assistant City Planner, G.H.M.C. Circle No. 9. Office at premises No. 18-1-436/16/1/A Opp NAC Building, NirquiPhoolBagh, Chandrayangutta, Hyderabad Respondents No. 2 to 6 Not Necessary Parties in This CRP

...Respondents

IA NO: 1 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 suspend order date 06-10-2025 in I.A No.399/2025 in OS No.654/2022 on the file of the VI Junior Civil Judge, City Civil Courts At Hyderabad.

...Respondent/Respondent/Plaintiff

**Counsel for the Petitioner: Ms CHENNABOINA SHRAVANI
(in all Civil Revision Petitions)**

**Counsel for the Respondents:---
(in all Civil Revision Petitions)**

The Court made the following: COMMON ORDER

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

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION Nos.3946, 3960 & 3974 of 2025

DATE OF COMMON ORDER : 05.12.2025

Between:

Durga Prasad Dixit,
S/o: Late Dattathri Prasad Dixit, aged 60 yrs.,
Occ: Advocate, R/o. H.No.23-5-222,
Laldarwaza, Hyderabad.

...Petitioner

AND

R.Subash Rao,
S/o. Late R.Ganapathi Rao, aged 70 yrs.,
Occ: Ret. Govt. Employee,
R/o. H.No.18-8-224/5/53,
Raj Narsimha Colony, Midhani,
Hyderabad and others.

...Respondents

COMMON ORDER:

Heard Ms. Chennaboina Shravani, learned counsel for the
petitioner / defendant No.1 in all these Civil Revision Petitions.

2. The instant Civil Revision Petitions under Article 227 of the
Constitution of India have been filed by the petitioner / defendant

No.1 challenging the order passed by the VI Junior Civil Judge, City Civil Court, Hyderabad, in I.A.Nos.399, 400 & 401 of 2025, in O.S.No.654 of 2022, decided on 06.10.2025.

3. *Viae* the impugned order, the Trial Court allowed the aforesaid three I.As. filed by the respondent / plaintiff. I.A.No.399 of 2025 was filed to receive the letter dated 07.02.2022 and encumbrance statement dated 29.04.2024; I.A.No.400 of 2025 was filed to recall PW.1 for marking of documents, and I.A.No.401 of 2025 was filed to reopen the evidence of the plaintiff.

4. The respondent / plaintiff in the instant case filed a suit bearing O.S.No.654 of 2022 seeking to declare the passage running from North to South having dimensions 8'1/4 x 64'6" feet totally admeasuring 58.33 square yards between the properties bearing No.23-5-222 and 23-5-220 and 23-5-221 situated at Laldarwaza, near Panchamukhi Hanuman Temple, Hyderabad.

5. Learned counsel for the petitioner / defendant No.1 contended that the aforesaid I.As. filed by the respondent / plaintiff have been erroneously allowed by the Trial Court which could in the long run cause detriment to the interest of the petitioner /

defendant No.1. It was further contended by the learned counsel for the petitioner / defendant No.1 that the respondent / plaintiff at the first instance permitted the trial to proceed with whatever material that was available with them and in the process the trial was concluded and the matter was fixed for final arguments. It is at this stage that these three I.As. have been filed by the respondent / plaintiff to improve his case.

6. According to the learned counsel for the petitioner / defendant No.1, the respondent / plaintiff had all the knowledge of the documents which he sought to be marked, but he did not place it before the Trial Court during the relevant point of time for reasons best known. Now at the fag end of the trial, he filed these I.As. to receive the documents, mark the same and to reopen his evidence.

7. However, perusal of the record would go to show that the whole dispute revolves around the passage between the two houses i.e. the house of defendant Nos.1 to 3 and house of the plaintiff, and these documents were not in possession of the respondent / plaintiff at the first instance, neither could he obtain

under the Right to Information Act, and it is only with great difficulty that he could track down these documents at the belated stage, the same therefore could not be produced before the Trial Court initially. Therefore, he sought permission enabling him to mark and receive the documents and reopen his evidence.

8. The Trial Court on due consideration of the entire factual matrix of the case, more particularly considering the fact that the applications are one which have been moved by the respondent / plaintiff himself and the fact that no prejudice as such would be caused to the petitioner / defendant No.1 in the event of the I.As. getting allowed as the petitioner / defendant No.1 would still have the right to defend his claim over the subject property on the basis of whatever material he submits in defence.

9. Therefore, taking into consideration the nature of relief sought for and the dispute solely revolving the passage between the two houses belonging to the petitioner / defendant No.1 and respondent / plaintiff, more particularly in respect of the specific stand that the petitioner / defendant No.1 has taken of he being the exclusive owner of the said property, this Court is of the firm

view that no strong case has been made out by the petitioner / defendant No.1, as no substantial prejudice would be caused to the interest of petitioner / defendant No.1 only by virtue of allowing of the aforesaid I.As. filed by the respondent / plaintiff, as the petitioner / defendant No.1 would still get a chance to defend his case by cross-examining the respondent / plaintiff so also in the course of arguments so far as the admissibility of the said documents is concerned.

10. The three Civil Revision Petitions thus fail, and are accordingly, rejected.

11. As a sequel, miscellaneous petitions pending if any, shall stand closed. However, there shall be no order as to costs.

Sd/- A. SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VI Junior Civil Judge, City Civil Courts At Hyderabad.
2. One CC to Ms CHENNABOINA SHRAVANI, Advocate [OPUC]
3. Two CD Copies

NVB/DL

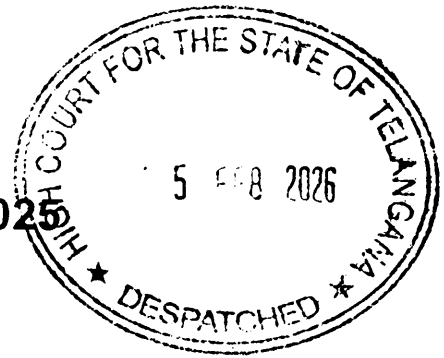
pmc.

HIGH COURT

DATED:05/12/2025

COMMON ORDER

CRP.Nos.3946, 3960 & 3974 of 2025



REJECTING THE ALL CIVIL REVISION PETITIONS

⑤ PMG
16/2/26.