

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

**MONDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO

CIVIL MISCELLANEOUS APPEAL NO: 411 OF 2015

Between:

M. Krishna Murthy, S/o. M.Bhadraiah, aged about 43 years, Occ: Business R/o. 7-1-37/2, Bandimet, Secunderabad.

...APPELLANT/RESPONDENT/PLAINTIFF

AND

1. Tata Narasimha Rao, S/o. Tata Satyanarayana, Aged about 42 years, Occ: Business, R/o. 7-1-1091/1, Nala Bazaar, Secunderabad.
2. Tata Hymavathy, W/o. Tata Narasimha Rao, aged about 38 years, Occ: Housewife, R/o. 7-1-1091/1, Nala Bazaar, Secunderabad.

...RESPONDENTS/APPELLANTS/DEFENDANTS

Appeal Under Order XLIII Rule 1(u) of Code of CPC 1908, against the Judgment and decree dated 19-01-2015 passed in AS No. 79 of 2010 on the file of the Court of the XXVII Additional Chief Judge, City Civil Court, Secunderabad preferred against the Judgment dated 15-03-2010 passed in OS NO. 549 of 2005 on the file of the Court of the XII Additional Senior Civil Judge, (Fast Track Court) City Civil Court at Secunderabad.

CMAMP. NO: 811 OF 2015

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 the operation of the Judgment and decree dated 19-01-2015 passed by the Hon'ble XXVII Additional Chief Judge, City Civil Court at Secunderabad in AS No. 79 of 2010 till the disposal of the present Civil Miscellaneous Appeal.

Counsel for the Appellant: Sri. M Pratap Singh

Counsel for the Respondents: Sri. K Chaitanya

The Court made the following: ORDER

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

THE HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO

CIVIL MISCELLANEOUS APPEAL No.411 of 2015

02nd February, 2026

Between:

Mr.M.Krishna Murthy

...Appellant/Plaintiff

and

1.Mr.Tata Narasimha Rao

2.Tata Hymavathy

...Respondents/Defendants

ORDER

The present Civil Miscellaneous Appeal has been filed under Order XLIII Rule 1(u) of the Code of Civil Procedure, seeking to set aside the judgment and decree dated 19.01.2015 passed in A.S.No.79 of 2010 by the learned XXVII Additional Chief Judge, City Civil Court, Secunderabad.

2. When this Court pointed out that the present appeal is not maintainable, the Mr.Chaitanya, learned counsel representing Mr.M.Pratap Singh, learned counsel for the appellant sought permission to convert the Civil Miscellaneous Appeal into a Second Appeal. However, in a Second

Appeal, the appellant is required to plead and establish substantial questions of law, which has not been done in the present case.

3. In view of the above, the present Civil Miscellaneous Appeal is not maintainable and is accordingly, rejected. No costs.

4. The Registry is directed to return the entire case file to the appellant, enabling him to avail the appropriate remedy by filing a Second Appeal under the relevant provision of law. The appellant shall be entitled to the benefit of Section 14 of the Limitation Act, and the period spent in prosecuting the matter in the wrong forum shall be excluded for the purpose of limitation.

Miscellaneous petitions, pending if any, shall stand closed.

Sd/- NAYANI CHANDRA SEKHAR RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The XXVII Additional Chief Judge, City Civil Court, Secunderabad
2. The XII Additional Senior Civil Judge, (Fast Track Court) City Civil Court at Secunderabad.
3. One CC to Sri. M Pratap Singh, Advocate [OPUC]
4. One CC to Sri. K Chaitanya, Advocate [OPUC]
5. Two CD Copies

Pr/BA

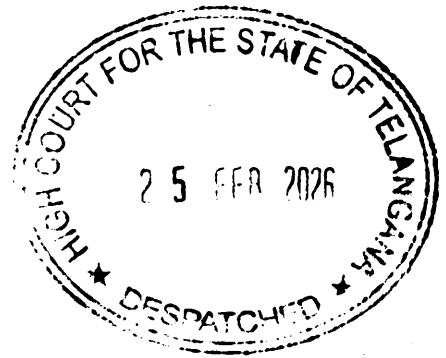


HIGH COURT

DATED:02/02/2026

ORDER

CMA.No.411 of 2015



REJECTING THE CMA

(7) MT
20/2/26