IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

CIVIL MISCELLANEOUS APPEAL No: 155 of 2026

Appeal Under Order XLIII, Rule 1 of CPC aggrieved by the docket order dated 31-03-2026 in I.A.No.55 of 2026 in O.S.No.5 of 2023 on the file of the Principal District Judge, Jangaon.

Between:

1. Kandi Ravinder Reddy, s/o. Sanjeeva Reddy, aged about 53 years, occ. Business, r/o. H.No.1-8-432, Nakshatra Homes, Balasamudram, Hanamkonda.
2. Kandi Suvarna Reddy, W/o. Ravinder Reddy, aged about 44 years, occ. Homemaker, r/o. H.No.1-8-432, Nakshatra Homes, Balasamudram, Hanamkonda.
3. Kandi Rajender Reddy, s/o. Sanjeeva Reddy, aged about 47 years, occ. Business, r/o. H.No.1-8-432, Nakshatra Homes, Balasamudram, Hanamkonda.
4. Kandi Srinivas Reddy, s/o. Sanjeeva Reddy, aged about 45 years, occ. Business, r/o. H.No.1-8-432, Nakshatra Homes, Balasamudram, Hanamkonda.
5. M/s. Janahitha Developers, Rep. by its Managing Partners, i) Kandi Srinivas Reddy s/o. Sanjeeva Reddy, Aged about 44 years, occ. Business, r/o. H.No.1-8-432, Nakshatra Homes, Balasamudram, Hanamkonda. ii). Mettu Jayadeep Reddy s/o. Narasimha Reddy, aged about 35 years, occ. Business, r/o. H.No.6-1, Reddypalem, Mogilicherla Desaipet, Warangal.

...Appellants / Petitioners / Defendants

AND

M/s. ARSL Promoters and Developers,, Rep. by its Managing Partner, S.Anjan Reddy S/o. Late S. Laxma Reddy, Aged 59 years, occ. Business, r/o. H.No.37-18/3/2, Defence Colony, Sainipuri, Secunderabad.

...Respondent / Respondent/ Plaintiff

I.A. NO: 1 OF 2026

Petition under Section 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 stay of the impugned order dated 31-03-2026 in I.A.No. 55 of 2026 in O.S. No. 05 of 2023 on the file of the Principal District Judge's Court at Jangaon to the extent of imposing condition of deposit of 50% of decretal amount accrued upto date with a liberty to the plaintiff to withdraw the amounts without filing any security, pending disposal of the CMA.

Counsel for the Appellants: SRI NADIPALLY ANANDA RAO

Counsel for the Respondent: _ _ _ _

The Court made the following: JUDGMENT

HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR

C.M.A. No. 155 OF 2026

DATE: 23.04.2026

Between:

Kandi Ravinder Reddy and 5 others.

...Appellants

And

M/s. ARSL Promoters and Developers,
Represented by its Managing Partner,
Defence Colony, Sainikpuri, Secunderabad.

...Respondent

Mr. Nadipally Ananda Rao, learned counsel appearing for the appellants.

JUDGMENT: (Per Hon'ble Justice Moushumi Bhattacharya)

1. The present Civil Miscellaneous Appeal arises out of a docket order dated 31.03.2026 passed by the learned Principal District Judge at Jangaon ('Trial Court') in I.A.No.55 of 2026 in O.S.No.5 of 2023, whereby the learned Trial Court allowed the I.A filed by the appellants/defendants in a Suit for recovery of money, subject to the appellants depositing 50% of the decretal

amount accrued till date i.e., till date, with a liberty to the plaintiff to withdraw the amounts without furnishing any security.

2. *Prima facie*, we do not find any error in the impugned docket order dated 31.03.2026.

3. The learned Trial Court, in O.S.No.5 of 2023, partly decreed the Suit in favour of the respondent/plaintiff on 19.11.2025. The Decree records that the appellants/defendants were set *ex parte* on account of the appellants' failure to file a Written Statement within the prescribed time. Thereafter, the appellants filed I.A.No.55 of 2026 in O.S.No.5 of 2023 under Order IX Rule 13 of The Code of Civil Procedure, 1908, seeking to set aside the *ex parte* decree. Paragraph 3 of the affidavit filed in the said I.A. contains explanations for the appellants' failure to file the Written Statement within the statutory time frame. The learned Trial Court allowed the said I.A. subject to the appellants depositing 50% of the decretal amount accrued till date.

4. The relevant portion of the Decree dated 19.11.2025 records that the Suit was partly decreed directing to refund a

sum of Rs.4,00,00,000/- (Rupees Four Crores only), along with the interest at 24% per annum from the date of filing the Suit till the date of passing the decree and thereafter at 6% per annum till realization of the said amount. However, the learned Trial Court declined the plaintiff's claim for damages of Rs.1,00,00,000/- (Rupees One Crore only) on the ground that the plaintiff failed to prove any loss incurred on account of non performance of the contract.

5. Learned counsel appearing for the appellants informs the Court that the decretal amount, along with accrued interest, presently amounts to Rs.5,00,00,000/- (Rupees Five Crores only) approximately.

6. Upon hearing the submissions of learned counsel and considering the fact that the appellants/defendants were ready to file their Written Statement prior to the passing of the decree, we deem it fit to dispose of the Appeal by directing the appellants/defendants to deposit a sum of Rs.1,50,00,000/- (One Crore Fifty Lakhs only) by 04.05.2026. It is made clear that we are not inclined to interfere with any other directions contained in the impugned docket order.

7. C.M.A. No. 155 of 2026, along with all other connected applications, is accordingly disposed of in terms of the above. There shall be no order as to costs.

SD/- M.MANJULA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal District Judge, Jangaon.
2. One CC to Sri Nadipally Ananda Rao, Advocate [OPUC]
3. Two CD Copies

ABK/KA

HIGH COURT

DATED: 23/04/2026



JUDGMENT

CMA.No.155 of 2026

DISPOSING OF THE CMA

WITHOUT COSTS

(5)

6/5/26