IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTEENTH DAY OF FEBRUARY TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CIVIL REVISION PETITION NO: 4360 OF 2025

Petition under Article 227 of the constitution of India aggrieved by the Order dated 11-08-2025 passed in I.A. No. 356 of 2025 in A.S. SR. No. 2734 of 2025 on the file of the court of the III Additional District and Sessions Judge Cum Principal Family Court, Medchal Malkajgiri, at Kukatpally.

Between:

Bodapunti Sudhaker, S/o B. Raghavulu, Aged about 52 years, Occ. Business, R/o. H. No. 1-12-126/9, Vinayaka Nagar, Nizamabad, Telangana

...Petitioner /1st Respondent /1st Respondent

AND

1. Syed Saleemuddin, S/o Late Syed Azeemuddin, Aged about 76 Years, Occ. Business, Residing at H. No. 5-3-970, Fasih Jung Lane, Mouzamjahi Market, Hyderabad. Presently residing at Phoenix, Arizona, USA. Rep by his General Power of Attorney, Syed Kaleemuddin, S/o Late Syed Azeemuddin, Aged about 72 Years, Occ. Advocate, Residing at H. No. 5-3-970, Fasih Jung Lane, Mouzamjahi Market, Hyderabad.

...Respondent/Petitioner/Appellant

2. Bodapunti Laxman, S/o Late Boudapunti Narayana, Aged about 64 Years, Occ. Business, Residing at Flat No. 302, Vijaya Grandeur, Street No. 1, Czech Colony, Sanath Nagar, Hyderabad.
3. M. Sri Hari, S/o Late Narasimha, Aged about 80 Years, Occ. Advocate, Residing at Flat No. 302, Rose Apts, Abids,Hyderabad.
4. Nawab Fareed Nawaz Jung, S/o Nawab Sultanul Mulk, Aged about 88 Years, Occ. Business, 0/a G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
5. Nawab Nazeer Nawaz Jung, S/o Nawab Sultanul Mulk, Aged about 80 Years, Occ. Business, 0/o G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
6. Nawab Mohammed Mifahuddin Khan, S/o Late Nawab M. Abdul Fatah Khan, Aged about 55 Years, Occ. Business, 0/o G-33, Navakethan Colony, Clock Tower,S. D. Road, Secunderabad.

7. Mohammad Sirajuddin Khan, S/o Late Nawab M. Abdul Fatah Khan, Aged about 50 Years, Occ. Business, 0/o G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
8. Abedunnisa Begum, D/o Late Nawab M. Abdul Fatah Khan, Aged about 60 Years, Occ. Housewife, 0/o G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
9. Fazalunnisa Begum, D/o Late Nawab M. Abdul Fatah Khan, Aged about 50 Years, Occ. Housewife, 0/o G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
10. Qasimunnisa Begum, D/o Late Nawab M. Abdul Fatah Khan, Aged about 50 Years, Occ. Housewife, 0/o G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
11. Bashirunnisa Begum, D/o Late Nawab Khair Nawaz Jung, Aged about 50 Years, Occ. Housewife, 0/o G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
12. Nawab Eqtedaruddin Khan, S/o Late Nawab Khair Nawaz Jung, Aged about 55 Years, Occ. Business, 0/o G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
13. Nawab Hamiduddin Khan, S/o Late Nawab Khalr Nawaz Jung, Aged about 53 Years, Occ. Business, 0/o G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
14. Nawab Rafiuddin Khan, S/o Late Nawab Khair Nawaz Jung, . Aged about 50 Years, Occ. Business, 0/o G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
15. Nawab Masood Khan, S/o Late Nawab Khair Nawaz Jung, Aged about 50 Yeari, Occ. Business, 0/o G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
16. Nawab Mohmood Jung, S/o Late Nawab Khair Nawaz Jung, Aged about 51 Years, Occ. Business, 0/o G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
17. Nawab Behbood Ali Khan S/o Late Nawab Khair Nawaz Jung, Aged about 48 Years, Occ. Business, 0/o G-33, Navakethan Colony, Clock Tower, S. D. Road, Secunderabad.
18. B. Shankarlal, S/o Banarsilal, Aged. Major, Occ. Business, Residing at H. No. 5-9-701/2, Chirag All Lane, Abids, Hyderabad. Respondents/Respondents/Respondent No. 2 to 18

(Respondents No. 2 to 18 are Formal Parties and notices are not required for them)

...Respondents /Respondent/Respondent No.2 to 18

I.A. NO: 1 OF 2025

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 all further proceedings pursuant to the order dated 11.08.2025 passed in IA No. 356 of 2025 in ASSR No. 2734 of 2025 on the file of the Honble III Additional Distrit and Sessions Judge Cum Principal Family Court Medchal Malkajgiri at Kukatpally, pending disposal of the Civil Revision Petition.

I.A. NO: 2 OF 2025

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 extend the interim suspension order passed in IA No. 1 of 2025 in CRP No. 4360 of 2025 dated 05.12.2025 which was expired on 12.12.2025 until further orders pending disposal of the Civil Revision Petition.

Counsel for the Petitioner : Sri K Devanath

Counsel for the Respondent No.1 : Sri Rajagopallavan Tayi

Counsel for the Respondent No.2 to 18 : _ _ _

The Court made the following: ORDER

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

HON'BLE SRI JUSTICE K. LAKSHMAN

CIVIL REVISION PETITION No.4360 OF 2025

DATE: 13-02-2026

Between:

Mr. Bodapunti Sudhaker .. Petitioner

Vs.

Mr. Syed Saleemuddin & others .. Respondents

This Court made the following:

ORAL ORDER:

Heard Mr. K. Devanath, learned counsel for the petitioner and Mr. Raja Gopallavan Tayi, learned counsel for respondent No.1. Respondent Nos.2 to 18 are not necessary parties.

2. This revision is filed assailing the docket order dated 11.08.2025 in I.A. No.356 of 2025 in ASSR No.2734 of 2025 passed by learned III Additional District and Sessions Judge-cum-Principal Family Court, Medchal - Malkajgiri District at Kukatpally.

3. The petitioner herein has filed a suit in O.S. No.671 of 2021 (Old O.S. No.347 of 2020) against respondent Nos.2 to 18, to declare the registered sale deed bearing No.1341 of 1965, dated 02.06.1965,

as illegal and for consequential relief of perpetual injunction. The same was decreed on 05.10.2023. It was an *ex parte* decree.

4. Challenging the said judgment and decree dated 05.10.2023, respondent No.1 herein has preferred an appeal *vide* ASSR No.2734 of 2025. He has also filed an Interlocutory Application *vide* I.A. No.356 of 2025 seeking leave to prefer the said appeal.

5. *Vide* order dated 11.08.2025, learned appellate Court passed the following order:

> "Heard counsel for the petitioner. Perused the record. Considering the affidavit of the petitioner stating that the petitioner is the aggrieved party of the judgment passed in OS No.671/2021, this petition is allowed permitting the petitioner/third party to prefer appeal subject to limitation."

6. Challenging the said order, the plaintiff in the said suit, the petitioner herein, filed the present revision.

7. Learned counsel for the petitioner herein would contend that the impugned order is not based on reasons and it is an *ex parte* order without giving opportunity to the petitioner herein.

8. Whereas, learned counsel for respondent No.1 would contend that the petitioner has filed the aforesaid suit against

respondent Nos.2 to 18 herein who are no more and died before the date of institution of the said suit itself. The petitioner herein has mentioned the addresses of respondent Nos.4 to 17 as 'G-33, Navanikethan Colony, Clock Tower, S.D. Road, Secunderabad'. Thus, he has obtained the said judgment and decree by misrepresenting the trial Court and the said judgment and decree is against the dead persons. Respondent No.1 herein has mentioned the specific reasons in the affidavit filed in support of the petition in I.A. No.356 of 2025, to grant leave for preferring the appeal challenging the said judgment and decree. On consideration of the said aspects only, learned appellate Court allowed the said I.A. No.356 of 2025 and granted leave to respondent No.1 herein to prefer the said appeal.

9. In the light of the aforesaid rival submissions, it is apt to note that in **H. Anjanappa v. A. Prabhakar**[1], the Hon'ble Supreme Court in paragraph No.43 laid down the following principles governing the grant of leave to prefer an appeal:

i. Sections 96 and 100 of the CPC respectively provide for preferring an appeal from an original decree or decree in appeal respectively;

[1]. 2025 SCC OnLine SC 183

ii. The said provisions do not enumerate the categories of persons who can file an appeal;

iii. However, it a settled legal proposition that a stranger cannot be permitted to file an appeal in any proceedings unless he satisfies the court that he falls within the category of an aggrieved person;

iv. It is only where a judgment and decree prejudicially affects a person who is not a party to the proceedings, he can prefer an appeal with the leave of the court;

v. A person aggrieved, to file an appeal, must be one whose right is affected by reason of the judgment and decree sought to be impugned;

vi. The expression "person aggrieved" does not include a person who suffers from a psychological or an imaginary injury;

vii. It would be improper to grant leave to appeal to every person who may in some remote or indirect way be prejudicially affected by a decree or judgment; and viii. Ordinarily leave to appeal should be granted to persons who, though not parties to the proceedings, would be bound by the decree or judgment in that proceeding and who would be precluded from attacking its correctness in other proceedings.

10. Respondent No.1 has filed the aforesaid application in I.A. No.356 of 2025 in ASSR No.2734 of 2025, seeking leave to prefer the appeal contending as follows:

"4. I further submit that the Hon'ble IInd Additional Judge, City Civil Court, Hyderabad, vide its orders dated 23-01-1965 in I.A.No. 14 of 1965 directed the Respondent No. 3 herein by permitting and authorizing to transfer alienate Prior sell the properties forming part of Sultan-Ul-Mulk and on 09-02-1965 Hon'ble IInd Additional Judge, City Civil Court, Hyderabad, issued a sale 15 warrant authorizing the Advocate-Commissioner, who was appointed pursuant to an order in the Interlocutory Application in the civil suit referred to herein above, to convey to the partnership firm, namely Friends & Co. the shares of the plaintiff in suit O.S. No.10 of 1962 along with the share of other shareholders having accepting the amount deposited by the said partnership firm with the court. It is submitted that in furtherance to the order of the Hon'ble IInd Additional Civil Judge, City Civil Court, Hyderabad, the Court Receiver executed registered sale deeds, conveying their shares in the property, including the property situate in survey No.80, 80/1 and 80/2 admeasuring Acres 13-35 Guntas of Fateh Nagar Village, with which I am concerned in the instant suit. All the partners of the said partnership firm have shares in the property which was purchased by the partnership firm. I submit that the property situate in survey No.80, 80/1 and 80/2 admeasuring Acres 13-35 Guntas of Fateh Nagar Village, Balanagar Mandal,

Ranga Reddy District devolved upon the firm. Thus, the partners of firm are in peaceful possession and enjoyment of the property, situate in survey No.80, 80/1 and 80/2 admeasuring Acres 13-35 Guntas of Fateh Nagar Village.

5. I submit that, the Respondent No. 1 herein have filed the suit O.S.No.671 of 2021 against the Respondent No. 2 to 18 herein before the Hon'ble Senior Civil Judge, Medchal Malkajgiri District Court at Kukatpally, for Declaration of Sale Deed Doc. No. 1341 of 1965 as null and void and Injunction in respect of the Suit Schedule Property, and the Hon'ble Senior Civil Judge, Medchal Malkajgiri District Court at Kukatpally without appreciating the Oral and Documentary evidence available on record was pleased to allowed the suit, vide Judgment and Decree dated 05-10-2023.

6. I submit that aggrieved by Judgment and Decree dated 05-10-2025 passed in O.S. No. 671 of 2021 by the Hon'ble Senior Civil Judge, Medchal Malkajgiri District Court at Kukatpally, the above Appeal is filed before this Hon'ble Court. I crave leave of this Hon'ble Court to peruse and consider the Memorandum of Grounds filed in the above Appeal, as part and parcel of this Affidavit for better appreciation of facts of the case."

However, without considering the said aspects, more particularly, the aforesaid principles laid down by the Apex Court, *vide* impugned order, learned appellate Court granted leave to respondent No.1 to prefer the said appeal. Therefore, the aforesaid order is not on consideration of the principles laid down by the Apex Court in **H. Anjanappa (Supra)** and contentions of the appellant therein. It is a cryptic order without reasons.

11. Perusal of affidavit filed by respondent No.1 in support of I.A. No.356 of 2025 would reveal that he has not stated that all the defendants in the said suit are no more. However, in the counter filed by him in the present revision he has stated the said fact.

12. In the light of the aforesaid discussion, the impugned order dated 11.08.2025 passed by learned Appellate Court in I.A. No.356 of 2025 in ASSR No.2734 of 2025 is set aside. The matter is remanded back to learned appellate Court with a direction to decide I.A. No.356 of 2025 in ASSR No.2734 of 2025 afresh strictly in accordance with law by considering the aforesaid principles summarized by the Apex Court in **H. Anjanappa** (Supra). Liberty is granted to respondent No.1 herein to file better affidavit. The petitioner herein is also at

liberty to file counter in I.A. No.356 of 2025. Learned appellate Court shall consider the same and decide I.A. No.356 of 2025 afresh as expeditiously as possible.

13. The present Civil Revision Petition is accordingly disposed of. In the circumstances of the cases, there shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the revision shall stand closed.

SD/- T.SRINIVASA REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

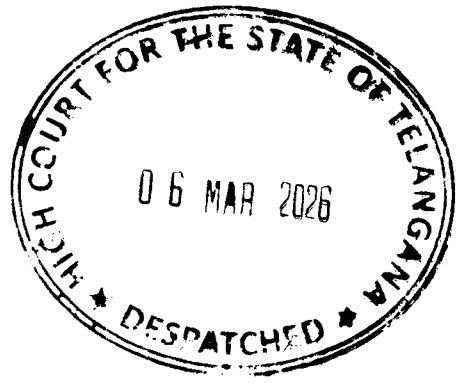
To,

1. The III Additional District and Sessions Judge Cum Principal Family Court, Medchal Malkajgiri, at Kukatpally
2. One CC to SRI K DEVANATH, Advocate [OPUC]
3. One CC to SRI RAJAGOPALLAVAN TAYI, Advocate [OPUC]
4. Two CD Copies

ADK/PSL

HIGH COURT

DATED: 13/02/2026



ORDER

CRP.No.4360 of 2025

DISPOSING OF THE CRP

WITHOUT COSTS

6/3/26