IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CIVIL REVISION PETITION NO: 3154 OF 2026

Petitioner under Article 227 of the Constitution of India aggrieved by the Order dated 12/08/2026 Passed in I.A.No.682 of 2026 in O.S. No.98 of 2016 on the file of the Principal District & Sessions Court, Medchal - Malkajgiri at Kushaiguda.

Between:

K. Narsing, S/o K. Yadagiri, Aged 54 years, Occ. Business, R/o H.No. 5-2-6, Tirumala Nagar Colony, Meerpet, Moula-Ali, Hyderabad - 500 040.

...PETITIONER/PETITIONER/PLAINTIFF

AND

1. T. Sudhakar, S/o T. Seshagiri Rao, Aged 51 years, Occ. Business, R/o Plot No. 11, Tirumala Nagar, Meerpet, Moula-Ali, Hyderabad - 500 040.
2. Smt. B. Maryamanju, W/o B. Rajasekhar Reddy, Aged 36 years, R/o H.No. 5-2-118/1/1, Tirumala Nagar, Meerpet, Moula-Ali, Hyderabad - 500 040.
3. B.Rajasekhar Reddy, S/o B. Damodar Reddy, Aged 41 years, Occ. Private Employee, R/o H.No. 5-2-118/1/1, Tirumala Nagar, Meerpet, Moula-Ali, Hyderabad - 500 040.

   Respondents 2 & 3 are Rep. by G.P.A. Holder Kishore Reddy, S/o I. Venkat Reddy, Aged 43 years, Occ. Business, R/o Plot No. 11 & 12, Tirumala Nagar, Meerpet, Moula-Ali, Hyderabad - 500 040.

...RESPONDENTS/RESPONDENTS/DEFENDENTS

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 Stay all further proceedings in O.S.No. 98 of 2016 on the file of Principal District & Sessions Court Medchal - Malkajgiri at Kushaiguda.

Counsel for the Petitioner: Sri. Mahadev Anyarambhatla

Counsel for the Respondent Nos. 2 & 3: Sri. C.M.R. Velu

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.3154 OF 2026
(CNR No. HBHC010679112026)

Date: 30.10.2026

Between:

Mr. K. Narsing .. Petitioner

Vs

Mr. T. Sudhakar & others .. Respondents

This Court made the following:

ORAL ORDER:

Heard Mr. Mahadev Anyarambhatla, learned counsel for the petitioner and Mr. C.M.R. Velu, learned counsel for respondent Nos.2 and 3. According to learned counsel for the petitioner and respondent Nos.2 and 3, respondent No.1 was set *ex parte* before the trial Court.

2. This Civil Revision Petition is filed under Article - 227 of the Constitution of India, assailing the order dated 12.08.2026 in I.A. No.682 of 2026 in O.S. No.98 of 2016 passed by learned Principal District and Sessions Judge, Medchal - Malkajgiri District at Kushaiguda.

3. The petitioner herein is the plaintiff in O.S. No.98 of 2016, while the respondents are the defendants. The petitioner has filed the suit in O.S. No.98 of 2016 against the respondents for specific performance of agreement of sale dated 04.12.2015 and also for perpetual injunction.

4. When the aforesaid suit is posted for reply arguments on behalf of the plaintiff, the petitioner had filed an interlocutory application *vide* I.A. No.682 of 2026 under Order - VI, Rule - 17 read with Section - 151 of CPC, seeking amendment contending as follows:

i. Respondent No.1 is the absolute owner and possessor of the suit schedule property from whom the petitioner obtained agreement of sale dated 04.12.2015, whereas respondent Nos.2 and 3 are the subsequent purchasers of the same property under forged and fraudulent document, and the same was not within his knowledge.

ii. The previous advocate who is no more did not prosecute the suit properly and effectively. The present advocate suggested

him to amend the plaint with regard to alternative prayer of recovery of advance amount of Rs.5,00,000/- paid by him with interest thereon @ 24% per annum as during pendency of the said suit, the petitioner came to know that respondent No.1 sold away the suit schedule property to respondent No.1 under sale deed bearing document No.12176 of 2015, dated 17.12.2015.

iii. His advocate also suggested him to amend the prayer with regard to declaration of the said sale deed as null and void and does not binding upon him.

5. Respondent Nos.2 and 3 filed counter opposing the aforesaid amendment contending that there is unexplained delay of more than nine (09) years in filing the aforesaid application. They have filed written statement on 30.03.2017 itself. The plaintiff filed rejoinder on 14.03.2023. Even then, the petitioner filed the aforesaid application after nine (09) years, that too when the matter was posted for reply arguments of the plaintiff.

6. *Vide* impugned order, learned trial Court dismissed the said application, holding that the petitioner filed the aforesaid application after commencement of trial, and if the amendment is permitted, the petitioner will introduce altogether different, new and inconsistent plea in the plaint pleadings. The same is not permissible. The petitioner failed to show the due diligence in filing the said application.

7. Challenging the said order, the petitioner filed the present revision.

8. Mr. Mahadev Anyarambhatla, learned counsel for the petitioner, fairly submits that though the petitioner raised several grounds, he is restricting only to the alternative relief of a direction to the defendants that they are jointly and severally, refund the advance of sale consideration of Rs.5,00,000/- together with interest thereon @ 24% per annum from 13.07.2026 till12.07.2026.

9. Mr. C.M.R. Velu, learned counsel for respondent Nos.2 and 3 opposed the said application contending that respondent Nos.2 and 3

purchased the property under a registered sale deed bearing document No.12176 of 2015, dated 17.12.2015 by paying Rs.28.00 lakhs towards sale consideration. It is a registered document. Therefore, the petitioner cannot claim ignorance of the same. The petitioner filed the suit in the year 2016 and the present I.A. in 2026. As per the pleadings, he has paid the said amount only to respondent No.1, the vendor in terms of agreement of sale dated 04.12.2015. Therefore, the petitioner cannot seek the aforesaid relief against respondent Nos.2 and 3.

10. In the light of the aforesaid submissions, it is apt to note that even according to both learned counsel for the petitioner and respondent Nos.2 and 3, the suit is posted for judgment today at 4.30 P.M. The petitioner filed the aforesaid application in July, 2026 when the matter was posted for reply arguments of the plaintiff. Admittedly, there is no explanation in the affidavit filed in support of the said I.A. with regard to the said delay of nine (09) years in filing the said application seeking amendment, though written statement was filed in the year 2017.

11. In **K.R. Suresh v. R. Poornima**[1], the Hon'ble Supreme Court categorically held that a plaintiff may amend the plaint to include a claim for refund to advance money paid to the defendant. **The amendment may be made at any stage of the proceeding, including the appellate stage**. The option vests with the plaintiff to claim alternative relief, and unless he claims such a relief, the Court is not empowered to grant it.

12. During the course of hearing, it is brought to the notice of this Court that defendant No.1 as set *ex parte* before the trial Court.

13. In the light of the aforesaid principle laid down by the Apex Court and considering the submission made by learned counsel for the petitioner that he is restricting the present revision to the alternative relief of refund advance sale consideration, also considering the fact that the petitioner entered into an agreement of sale dated 04.12.2015 with respondent No.1, the petitioner is entitled for the amendment to the extent of alternative relief only in respect of defendant No.1 i.e., he shall claim the alternative relief of refund of

[1]. 2025 INSC 617

amount of Rs.5.00 lakhs against defendant No.1 only. However, the learned trial Court shall consider and decide the said alternative relief strictly in accordance with law. Liberty is granted to the petitioner and respondent Nos.2 and 3 to raise all the grounds and contentions which they have raised in the present revision before the trial Court and it is for the trial Court to consider the same. The suit is of the year 2016, therefore, learned trial Court shall dispose of the suit within one (01) month from the date of receipt of copy of this order.

14. The present Civil Revision Petition is accordingly allowed to the extent indicated above. In the circumstances of the case, there shall be no order as to costs.

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

SD/- C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

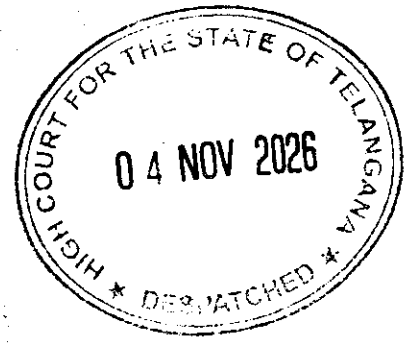
To,

1. The Principal District and Sessions Court, Medchal - Malkajgiri at Kushaiguda.
2. One CC to Sri. Mahadev Anyarambhatla, Advocate [OPUC]
3. One CC to Sri. C.M.R. Velu, Advocate [OPUC]
4. Two CD Copies

GNK

HIGH COURT

DATED: 30/10/2026



ORDER

CRP.No.3154 of 2026

ALLOWING THE CRP WITHOUT COSTS

DK
3/11/2026
6 copies