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

TUESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA

CIVIL REVISION PETITION NO: 166 OF 2026

Petition under Article 227 of the Constitution of India, Aggrieved by the order dt.25.11.2025 and consequential orders dt.27.11.2025, 28.11.2025 and 02.12.2025, ('Impugned Orders') in I.A No.437 of 2020 in OS No.861 of 2007 on the file of the 1st Additional Senior Civil Judge-cum-Chief Metropolitan Magistrate-cum-Assistant Sessions Judge, Ranga Reddy District at LB Nagar ('Trial Court') the present Civil Revision Petition is filed challenging the same.

Between:

1. S. Narsimha Reddy, S/o.Late Venkat Reddy, Aged about 70 years, Occ. Retd. Employee, R/o.Block No.II, Telecom Residents Welfare Associates, Tele-Xge Campus, Saroornagar, Ranga Reddy District.
2. S. Madhava Reddy, S/o.Late Venkat Reddy, Aged about 68 years, Occ. Retd. Employee, R/o.H.No.14-11-657, Jinsi Chowrahi, Hyderabad.
3. S. Indra Reddy,, S/o. Late Venkat Reddy, Aged about 62 years, Occ. Business, R/o. MCH (141) Kanda Swamy Lane, Gujarat Galli, Sultan Bazar, Hyderabad-95. **...Petitioners/Respondent Nos.1-3**

AND

1. S. Suman Reddy, S/o. S. Madhava Reddy, Aged about 39 years, Occ. Pvt. Service, R/o.H.No.2-38, Kuntloor Village, Hayathnagar Mandal, Ranga Reddy District. **...Respondent -1/Petitioner**
2. S. Susheelamma, (Died), (Died) **...Respondent -2/Respondent-4**
3. A. Prabhakar Reddy, S/o. A.Yadagiri Reddy, Aged about 46 years, Occ. Sarpanch, R/o. Hat No.302, III Floor, Ushodaya Real Estate Pvt. Ltd. Sai Towers, Dilsukhnagar, Hyderabad. **...Respondent -3/ Respondent-5**
4. Chandrakala, W/o.Amrit Singh, Aged about 45 years, Occ. Household, R/o. H.No.14-11-645, Kamatipura, Chowraha Jinai, Hyderabad, A.P.

...Respondent No.4/Respondent No.6

5. Omprakash Upadhyay, S/o.Late Madanlal Upadhyay, Aged about 62 years, Occ. Business, R/o.H.No. 14-5-81, Bedarwadi, Begum Bazar, Hyderabad - 500012. **...Respondent No.5/Respondent No.7**
6. Leela Bai Upadhyay,, W/o. Omprakash Upadhyay, Aged about 60 years, Occ. Housewife, R/o.H.No. 14-5-81, Bedarwadi, Begum Bazar, Hyderabad - 500012. **...Respondent No.6/Respondent No.8**

(Respondent Nos.2 to 6 are not necessary parties)

(Respondent No.2/Respondent No.6 i.e Smt. S. Susheelamma has died and Respondent No.1/Petitioner has not taken steps, hence the cause title in the impugned docket order does not show the same and death certificate is filed)

IA NO: 1 OF 2026

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 grant **Stay** of all further proceedings in IA No.437 of 2020 in OS No.861 of 2017 on the file of the 1st Additional Senior Civil Judge-cum- Chief Metropolitan Magistrate-cum-Assistant Sessions Judge, Ranga Reddy District at LB Nagar pending disposal of the main CRP

Counsel for the Petitioners: **Mr. M PHANINDRA PAVAN KASHYAP, Advocate**

Counsel for the Respondents: .....

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA

CRP.NO.166 OF 2026

DATE: 27.01.2026

Between:
S. Narsimha Reddy,
S/o. Late Venkat Reddy and two others.

... Petitioners

And

S. Suman Reddy,
S/o. S. Madhava Reddy and five others.

...Respondents

Mr. M Phanindra Pavan Kashyap, learned counsel appearing for the petitioners.

ORDER:

1. The Civil Revision Petition arises out of a series of docket orders dated 25.11.2025, 27.11.2025, 28.11.2025 and 02.12.2025.

2. The impugned docket orders were passed in I.A.No.437 of 2020 in O.S.No.861 of 2007 filed by the respondent No.1/plaintiff for setting aside the order dated 19.01.2015 and restoring the Suit to its original file.

3. The petitioners before this Court are the defendant Nos.1 to 3 in the Suit filed for partition and separate possession. The Suit was filed in 2007.

4. The first docket order dated 25.11.2025 states that the respondent No 2 (petitioner No.2 in the CRP) was present; however, the respondent No.1/plaintiff was absent and no representation was made on behalf of the plaintiff despite several adjournments. The docket order further records that the respondent No.1/plaintiff is required to take steps in respect of the death of the respondent No.2/defendant No. 4.

5. The Court is informed that the defendant No.4 died in 2018 and that the plaintiff filed a Memo on 16.12.2024 informing the Court of such death. The Trial Court proceeded to list the matter on 27.11.2025 to allow the respondent No.1/plaintiff one final opportunity for appearance.

6. The next docket order dated 27.11.2025 narrates exactly the same reasons as given by the Trial Court on 25.11.2025, that although the plaintiff remained absent, no representation was made on behalf of the plaintiff. The Trial Court proceeded to give another 'final opportunity' to the plaintiff and listed the matter on 28.11.2025. The reasons for adjournment are replicated in the docket order dated 28.11.2025. In essence, the plaintiff was given two further 'final opportunities'.

7. This Court is unable to comprehend the basis for the extreme lenience shown by the Trial Court to the plaintiff when the plaintiff

chose to remain absent on four consecutive occasions and also failed to take steps in respect of the death of the defendant No.4 despite filing a Memo on 16.12.2024 in that regard.

8. There is no explanation given by the Trial Court to explain the repeated indulgence shown to the plaintiff, especially when the plaintiff chose to remain unrepresented on all four occasions. The Court is informed that the plaintiff was also absent on 16.12.2025. The impugned docket orders hence warrant interference and should be set aside.

9. The Trial Court should have dismissed I.A.No.437 of 2020 in O.S.No.861 of 2007 without granting such extensions and extreme indulgence to the plaintiff.

10. CRP No.166 of 2026, along with all connected applications, is accordingly allowed and disposed of by setting aside the impugned docket orders passed in I.A.No.437 of 2020 dated 25.11.2025, 27.11.2025, 28.11.2025 and 02.12.2025.

Sd/- K. MADHAVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The 1st Additional Senior Civil Judge-cum-Chief Metropolitan Magistrate-cum-Assistant Sessions Judge, Ranga Reddy District at LB Nagar
2. One CC to Mr. M PHANINDRA PAVAN KASHYAP, Advocate [OPUC]
3. Two CD Copies

HIGH COURT

DATED: 27/01/2026



ORDER

CRP.No.166 of 2026

Accordingly, this Civil Revision Petition is Disposed & Allowed.

23/02/26