

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

**FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CIVIL REVISION PETITION NO: 1196, 1197 & 1250 OF 2022

Between:

Duddempudi Sambasiva Rao Chowdary, S/o Late Balkotiah Aged about 68 years,
Occ. Engineer and Social Worker, R/o 11-6-47/1/1, Besides Bus Depot, Kukatpally,
Rangareddy District

...PETITIONER

AND

Ballampudi Raga Rao, S/o B.Venkatratnam, Aged about 71 years, Occ. Medical
Practitioner, R/o Flat No 5. J.B Residency, Pragatinagar, Nizamabad - 503003

...RESPONDENT

C.R.P.No.1196 of 2022 :

(Petition Under Article 227 of the Constitution of India against the orders dated 14.03.2022 made in I.A.No.5 of 2020 in O.S.No.157 of 2016 on the file of the Court of the I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar.)

IA NO: 1 OF 2022 IN C.R.P.NO.1196 OF 2022

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 order dated. 14/03/2022 passed in I.A.No. 5 of 2020 in O.S.No. 157 of 2016, on the file of First Additional Senior Civil Judge, Ranga Reddy District at L.B., Nagar.

C.R.P.No.1197 of 2022 :

(Petition Under Article 227 of the Constitution of India against the orders dated 14.03.2022 made in E.A.No.118 of 2019 in E.P.No.442 of 2019 in O.S.No.157 of 2016 on the file of the Court of the I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar.)

IA NO: 1 OF 2022 IN C.R.P.NO.1197 OF 2022

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 order dated. 14/03/2022 passed in E.A.No.118 of 2019 in E.P.No.442 of 2019 in O.S.No.157 of 2016 on the file of I Additional Senior Civil Judge, Ranga Reddy District at L.B., Nagar.

C.R.P.No.1250 of 2022 :

(Petition Under Article 227 of the Constitution of India against the orders dated 14.03.2022 made in E.A.No.119 of 2019 in E.P.No.442 of 2019 in O.S.No.157 of 2016 on the file of the Court of the I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar.)

IA NO: 1 OF 2022 IN C.R.P.NO.1250 OF 2022

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 order dated. 14/03/2022 passed in E.A.No. 119 of 2019 in E.P.No.442 of 2019 in O.S.No. 157 of 2016, on the file of I Additional Senior Civil Judge, Ranga Reddy District at L.B., Nagar.

Counsel for the Petitioner in all C.R.Ps : SRI. M RAMAKANTH

Counsel for the Respondent in all C.R.Ps: SRI Y.S. YELLA NAND GUPTA

The Court made the following: COMMON ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**C.R.P.Nos.1196, 1197 & 1250 of 2022****COMMON ORDER:**

All these Civil Revision Petitions are being disposed of by way of this Common Order as the issue involved in all these Revision Petitions is one and the same.

2. Heard Sri M.Ramakanth, learned counsel for the petitioner and Sri Y.S. Yella Nand Guptha, learned counsel for the respondent.

3. It has been contended by the petitioner that he has entered into an unregistered sale deed with the respondent on 20-07-2009 in respect of suit schedule property and the petitioner has been requesting the defendant/respondent herein to execute the registered sale deed in his favour but the respondent has not honoured the request of the petitioner. In those set of circumstances, the petitioner has filed O.S.No.157 of 2016 before the I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar and the said suit was decreed *ex parte* on 11-12-2018

and the petitioner has also filed E.P.No.442 of 2019 seeking execution of the decree. When the E.P. was being adjudicated, the respondent had filed I.A.No.5 of 2020 to condone the delay of 295 days in filing an application to set aside the *ex parte* decree passed in the suit and also filed E.A.No.119 of 2019 in E.P.No.442 of 2019 to set aside the *ex parte* orders passed in E.P.No.442 of 2019 in O.S.No.157 of 2016 dt.09-09-2019 and also filed E.A.No.118 of 2019 in E.P.No.442 of 2019 in O.S.No.157 of 2016 dt.09-09-2019 to stay of execution of all proceedings in the said E.P. Learned counsel for the petitioner had further contended that the Court below without appreciating any of the contentions raised by the petitioner had allowed all the above petitions..

4. Learned counsel for the petitioner had further contended that the person, who has filed the above petitions, is not the original defendant and is trying to impersonate the original defendant, to enter into the picture and to stall the proceedings by denying the fruits of the suit decree granted in favour of the petitioner. Therefore, he had contended that appropriate orders be

passed in the Revision Petitions by setting aside all the impugned orders of the Court below dt.14-03-2022 in the above petitions.

5. Learned counsel for the respondent had contended that he is the original owner and he has not entered into any sale deed with the petitioner and the petitioner has furnished incorrect address of the respondent in the suit and consequently, the respondent could not receive the summons and could not contest the suit and accordingly he filed the present petitions before the Court below and the Court below has rightly allowed he said petitions in favour of the respondent. Therefore, there are no merits and all the Revision Petitions are liable to be dismissed.

6. Having regard to the rival submissions made by the parties, this Court is of the considered view that since the petitioner himself is seriously disputing about the person, who is the defendant in the suit and when petitioner is disputing the respondent then it seems more important to hear all the parties at stake and the Court below is directed to frame the issue as to whether the person, who has filed the petitions seeking to set aside the *ex parte* orders is the very same person, who had entered

into unregistered sale deed with the petitioner, or not, has to be adjudicated by the Court below after permitting both the parties to adduce their respective evidence and the Court below is directed to pass appropriate orders in I.A.No.313 of 2022 in O.S.No.157 of 2016, filed by the respondent herein to set aside the *ex parte* order dt.11-12-2018 in O.S.No.157 of 2016, after giving opportunity to all the parties and pass appropriate orders in accordance with law within a period of six months from today.

7. With these observations, all the Civil Revision Petitions are disposed of. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/-B.SATYAVATHI *
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar
 2. One CC to Sri M.Ramakanth ,Advocate (OPUC)
 3. One CC to Sri Y.S.Yella Nand Gupta ,Advocate (OPUC)
 4. Two CD Copies
 5. One Spare Copy
- ks
- 

HIGH COURT

DATED:29/07/2022



COMMON ORDER

CRP.No.1196,1197 AND 1250 of 2022

**Disposing of the C.R.Ps
Without costs.**

⑥ VLV
29/8/22