

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.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 29-07-2022
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