

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

: PRESENT:
THE HON'BLE DR. JUSTICE G.RADHA RANI

IA No. 1 OF 2025
IN
CRP NO: 55 OF 2025

Between:

1. Dappu Jashua, S/o. Late Sri Dappu Mallaiah
2. Smt.Dappu Prameela, W/o. Sri. Dappu Jashua
3. Dappu Pavani, D/o. Sri Dappu Jashua
4. Dappu Rajeev, S/o. Sri Dappu Jashua

...Petitioners
(Petitioners in CRP 55 OF 2025
on the file of High Court)

AND

1. M/s. Aakriti Constructions and Developers Pvt. Ltd., a company incorporated Under the Companies Act, 1956, having its corporate office At Adityaram Square bearing MCH No.8-2-293/82/A/646/A, 4th Floor, situated at Road No.36, Jubilee Hills, Hyderabad - 500 033. Rep. by its Director Sri K.Manoj Kumar, S/o. Sri K.Shiva Kumar, Occ.Business, R/o.H.No.1-2-593/3/103, Legend Kandhari Apartments, Gaganmahal Colony, Domalguda, Hyderabad.
2. Sri. Mandadi Ranga Reddy, S/o. Sri Mandada Chandra Reddy, Occ.Business, R/o.3762, New MIG Phase-2, Vidyuth Nagar, Road No.8, Tellapur, Ramachandrapuram, Sanga Reddy District, Telangana.
3. M/s. Aditi Homes India Pvt. Ltd., A Company registered under the provisions of the Companies Act, 1956, having its registered Office at H.No.8-2-293/82/A/806/1, 2nd Floor, Axis Towers, Road No.36, Jubilee Hills, Hyderabad - 500 033. Rep. by its Director, Smt. K.Mohana Vamsi W/o. Sri Anuj Odaniyil, Director and Authorized Signatory.

...Respondents
(Respondents in-do-)

Counsel for the Petitioners:

**SRI VEDULA SRINIVAS LEARNED
SENIOR COUNSEL REP. SMT VEDULA
CHITRALEKHA**

Counsel for the Respondents:

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 OS No.220/2023 on the file of II Addl. District and Sessions Judge, Sanga Reddy, pending disposal of CRP No. 55 of 2025, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER”

This application is filed by the petitioners / defendants 1 to 4 to grant stay of all further proceedings in O.S.No.220 of 2023 on the file of the learned II Additional District & Sessions Judge, Sangareddy.

Heard Sri Vedula Srinivas, learned Senior Counsel for the petitioners.

Learned Senior Counsel for the petitioners – defendants 1 to 4 submitted that the respondent – plaintiff filed the suit for specific performance of agreement of sale dated 12.04.2023. As per the agreement, the consideration was fixed at Rs.8 Crores and an amount of Rs.3 Crores was paid by the plaintiff to defendants 1 to 4. There was a specific clause in the agreement that balance amount of Rs.5 Crores has to be paid by the plaintiff either on the date of registration of the sale deed or within 120 days from the date of agreement of sale, whichever was earlier. It was also specified at Para No11 of the agreement that the said agreement was subject to materialization of MoU - cum – Exchange of Land Deed dated 12.04.2023 and in case it does not materialize, the defendants 1 to 4 were at liberty to cancel the agreement of sale without any intimation to the plaintiff and shall refund the amount. The respondent – plaintiff himself mentioned in the plaint that he failed to bring together the defendants 1 to 4 and defendant No.5 for exchange of their respective properties and the exchange transaction did not take place. Consequently, the agreement of sale dated 12.04.2023 also became un-enforceable. The plaintiff issued a legal notice dated 23.09.2023 to defendant No.1 demanding delivery of possession of the land. A reply was given by the petitioner – defendant No.1 dated 16.10.2023 and the plaintiff was informed that the defendants 1 to 4 terminated the agreement of sale dated 12.04.2023 since the plaintiff failed to pay the balance consideration of Rs.5 Crores within 120 days.

Learned Senior Counsel for the petitioners – defendants 1 to 4 further submitted that in the legal notice got issued by the plaintiff dated 23.09.2023, there was no whisper about the readiness and willingness of the plaintiff to pay the balance sale consideration except demanding for delivery of possession of

land. Admittedly, the MoU – cum – exchange of land deed dated 12.04.2023 did not materialize, as the defendant No.5 has not come forward for exchange of the land with defendants 1 to 4. Admittedly, the enforcement of the agreement of sale depends upon the fulfillment of the MoU – cum – exchange of land deed dated 12.04.2023 and as such defendants 1 to 4 terminated the agreement of sale. In the said backdrop of admitted facts, as there was no cause of action for seeking enforcement of agreement of sale against defendants 1 to 4, the petitioners – defendants filed I.A.No.132 of 2024 in O.S.No.220 of 2023 under Order 7 Rule 11 of CPC seeking rejection of plaint on the ground of lack of cause of action and barred by law. But the trial court dismissed the said petition. Aggrieved by which, the petitioners – defendants preferred this CRP. He further submitted that the trial court was proceeding with the suit, as such pending disposal of the CRP, prayed for grant of stay of all further proceedings in O.S.No.220 of 2023.

Perused the clauses in the agreement of sale as well as in the MoU. As the agreement of sale was dependant on the performance of the clauses in the MoU and as the MoU – cum – exchange of land deed dated 12.04.2023 admittedly was not materialized and admittedly, the respondent – plaintiff also failed to pay the balance sale consideration within the stipulated period as agreed, and there appears to be merits in the contention of the learned Senior Counsel for the petitioners, it is considered fit to grant stay of all further proceedings in O.S.No.220 of 2023 on the file of the learned II Additional District & Sessions Judge, Sangareddy, subject to hearing the respondents.

Accordingly, there shall be interim stay as prayed for.

Issue notice to the respondent.

Learned counsel for the petitioners is permitted to take out personal notice on the respondents through RPAD file proof of service of notice.

//TRUE COPY//

SD/- A.V.S.PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The II Additional District and Sessions Judge, Sangareddy
2. Sri K.Manoj Kumar, S/o. Sri K.Shiva Kumar, Director, M/s. Aakriti Constructions and Developers Pvt. Ltd., a company incorporated Under the Companies Act, 1956. having its corporate office At Adityaram Square bearing MCH No.8-2-293/82/A/646/A, 4th Floor, situated at Road No.36, Jubilee Hills, Hyderabad - 500 033.
3. Sri. Mandadi Ranga Reddy, S/o. Sri Mandada Chandra Reddy, Occ.Business, R/o.3762, New MIG Phase-2, Vidyuth Nagar, Road No.8, Tellapur, Ramachandrapuram, Sanga Reddy District, Telangana.
4. Smt. K.Mohana Vamsi W/o. Sri Anuj Odaniyil, Director and Authorized Signatory, M/s. Aditi Homes India Pvt. Ltd., A Company registered under the provisions of the Companies Act, 1956, having its registered Office at H.No.8-2-293/82/A/806/1, 2nd Floor, Axis Towers, Road No.36, Jubilee Hills, Hyderabad - 500 033..
(Addressees 2 to 5 by RPAD)
5. One CC to Smt. Vedula Chitralekha Advocate [OPUC]
6. One spare copy

HIGH COURT

DR. GRRJ

DATED:10/01/2025

NOTE: POST ON 07.02.2025

ORDER

**IA. NO. 1 OF 2025
IN
CRP.No.55 of 2025**

INTERIM STAY

