

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MAIN CASE No. S.A.No.190 of 2026

Sl. No.	DATE	ORDER	OFFICE NOTE
01.	23.04.2026	<u>JAK, J</u> <u>I.A.No.1 of 2026</u> This application is filed to condone the delay of 84 days in representing the Second Appeal. For the reasons stated in the accompanying affidavit, this application is ordered. <u>JAK, J</u> <u>S.A.No.190 of 2026</u> This Second Appeal is filed aggrieved by the judgment and decree dated 19.09.2025 passed in A.S.No.40 of 2022 by XII Additional Chief Judge, City Civil Court, Secunderabad, wherein the judgment and decree dated 05.09.2019 passed in O.S.No.577 of 2013 by XIX Additional Senior Civil Judge, City Civil Court, Secunderabad, is set aside. O.S.No.577 of 2013 was filed by plaintiff (respondent herein) for recovery of amount under Section 26, Order VII and Rules 1 and 2 of Code of Civil Procedure, 1908. Trial Court vide judgment and decree dated 05.09.2019 dismissed the suit. Aggrieved by the same, plaintiff (respondent herein) preferred A.S.No.40 of 2022 before the XII Additional Chief Judge, City Civil Court, Secunderabad. First Appellate Court vide decree and judgment dated 19.09.2025 allowed the appeal by setting aside the judgment of the trial Court dated 05.09.2019 in O.S.No.577 of 2013. Aggrieved by the same, appellant (defendant)	

MAIN CASE No. S.A.No.190 of 2026

	preferred this second appeal raising the following substantial questions of law in the memorandum of grounds: a) Whether the Lower Appellate Court in reversing the well considered and findings of the Lower Court and granting decree is sustainable and the findings are perverse? b) Whether the Lower Appellate Court can't grant the decree solely relying on Section 58 of Indian Evidence Act, basing on the pleadings, by construing as admission without proof of evidence placed before the Hon'ble Court? c) Whether the findings of the Lower Court are basing on the evidence and law and cannot be interfered by the Lower Appellate Court by relying on Section 58 of Indian Evidence Act, without any evidence relating to the transaction as claimed by the plaintiff. d) Whether the Lower Appellate Court ought to have considered that the Defendant Company went into liquidation and the resolution professional was appointed and therefore all the proceedings subsequent to the liquidation proceedings are without notice and therefore the proceedings are liable to be set aside and no decree can be passed against the company in liquidation and how management cannot be burden with any liability after approval of NCLT by order dated 31-03-2023. e) Whether the Lower appellant court did not consider the about public announcement on 28.04.2022 in the newspapers, inviting claims from creditors/ stakeholders of the Corporate Debtor fixing the last date of receiving the claims as 10.05.2022, if the plaintiff did not choose to file application before the RP if any claim is deemed to be barred under the catena of Judgment of the Hon'ble Supreme Court of India." Heard learned counsel for appellant on the substantial questions of law. The contention that decree is solely relying on Section 58 of Indian Evidence Act, 1872, based on the pleadings, read with other Sections, need to be decided at the time of hearing of the Second Appeal. Hence, the Second Appeal is admitted on the substantial questions of law. ADMIT.	
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MAIN CASE No. S.A.No.190 of 2026

	Issue notice to respondent. Learned counsel for appellant is permitted to take out personal notice on respondent through SPAD and file proof of service into the Registry by next date of hearing. Post the matter on 18.06.2026. JAK,J <u>I.A.No.2 of 2026</u> This application is filed seeking stay of all further proceedings pursuant to judgment and decree dated 19.09.2025 passed in A.S.No.40 of 2022 by XII Additional Chief Judge, City Civil Court, Secunderabad. Learned counsel for appellant submitted that first appellate Court erred in not considering the entire evidence on record and the matter needs an elaborate hearing. This Court queried learned counsel for appellant, whether the appellant is willing to pay 50% of the amount as per the judgment and decree dated 19.09.2025 passed in A.S.No.40 of 2022 by XII Additional Chief Judge, City Civil Court, Secunderabad. On instructions, learned counsel for appellant stated across the Bar that appellant is willing to pay 50% of the amount i.e., 50% of Rs.4,77,406/-. In view of the above, there shall be interim stay of all further proceedings pursuant to the judgment and decree dated 19.09.2025 passed in A.S.No.40 of 2022 by XII Additional Chief Judge, City Civil Court, Secunderabad, for a period of EIGHT (08) WEEKS ONLY i.e., till 18.06.2026, on payment of 50% of the amount i.e., 50% of Rs.4,77,406/-. JAK,J KRR	
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MAIN CASE No. S.A.No.190 of 2026