

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

**MONDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

I.A. NO. 3 OF 2024

IN

ELECTION PETITION NO: 4 OF 2024

Between:

Madhavaram Sivaiahgari Krishna Rao, S/o. Late Sivaiahgari Narayana Rao, Aged about 57 Years, Occ: Politician, R/o. H.No. 5-3-437/2, Seshadri Nagar, Venkatrao Nagar Colony, Kukatpally, Hyderabad-500072. .. Petitioner/Respondent No.1

And

1. Ramesh Bandi, S/o. Late Bhaskara Rao Bandi, Aged 60 years, Occ. Business, Resident of House No. 8-2-293/82/JIII/239, Sree Hemadurga Lucky palace, Road No.78, Jubilee Hills, Shaikpet, Hyderabad, Telangana-500033.

...RESPONDENT/ PETITIONER

2. Mumma Reddy Prema Kumar, S/o. Late M. Venkatachalam, Aged about 57 Years, Occ. Business, R/o. L.I.G-75, KPHB Colony, Kukatpally, Hyderabad-500072.
3. Narsing Rao Bashetty, S/o. Late Bashiah Bashetty, Aged about 58 Years, Occ. Business, R/o. H.No. 12-15-96, Janatha Nagar, Moosapet, Hyderabad-500018.
4. Bandarigalla Sanjeeva Rao, S/o. Daas, Aged about 52 Years, Occ. Business, R/o. Flat No. 405, Shree Vijayalakshmi Residency, Prakash Nagar, Kukatpally, Hyderabad-500072.
5. Ch.Thirupathi, S/o.Chukka Rajamallaiiah Gender. male Age. 39 Occ. Business, R/o.H.No.4-55-68/2, Ringbasthi, Jagathgirigutta, Quthbullapur Mandal, Medchal-Malkajiri Dist – 500037.
6. Seshamatam Naveen Kumar, S/o. Narasimha Rao Seshamatam, Gender. Male, Age.39 Occ. Business, Address. H.NO.12-4-104/3, Road NO.7, Pragathi Nagar, Moosapet, Kukatpally, Hyderabad-500018, Telanagana
7. Madala Prasad, S/o. Narsimha Rao Madala, Gender. male Age. 37 Occ. Business, R/o. EWS 445/GF-1. KPHB Colony, Kukatpally, Balanagar TS-500072.

8. Bhakthavatsalam, S/o.T.Indira, Gender: male Age.69 Occ. Business, Address. 78, EWS Road NO.3, KPHB Colony, Kukatpally-500072
9. Bhoj Raj Koyalkar, S/o. LATE K. Krishna Gender. Male, Age. 50 Occ. Business, R/o. H.No.15-21-210, Balaji Nagar, Kukatpally, Medchal-Malkajgiri Dist-500072.
10. Maamilla Anand, S/o. Maamilla Ramulu ,Gender. male Age. 47 Occ. Business, R/o. 15-31-IVL-120/1, 4TH Phase, KPHB Colony, Kukatpally, Medchal-Malkajgiri District-500072.
11. Achyuthanand, S/o. Meedinti Baralingam, Gender. Male, Age. 26 Occ. Business, R/o. H.NO.14-20-677/48/B, Vivekananda Nagar, Borabanda, Balanagar-500018.
12. Sri Sandra Sunil Kumar, S/o. Solomon Gender. Male AGE.37 Occ. Business, R/o. H.No.6-6-131, CBR Nagar, Near Hanuman temple, Balanagar,Hyderabad- 500042, Telangana State
13. Alyana Dilleshwari, C/o Kodam Shravan Kumar, Gender: female Age. 30 Occ. Business, Address. H.No.6-105, Wadnapur, Vanaparthi-509110
14. Pawan Kalyan, S/o.Koninti Nagaraj Goud, Gender. male Age. 32 Occ. Business, Address.H.NO.4-87, Maniyarpally, Kohir, Sangareddy-502210
15. Varada Raju Kola, S/o.Kola Papaiah Gender.male Age. 49 Occ. Business, R/o. H.NO.15-27-672, KPHB Colony, Road No.05, Kukatpally, Hyderabad-500072, Telangana State.
16. Chalika Parvathi, C/o Chalika Chandra Sekhar, Gender,female Age. 36 Occ. Business, R/o. LIG- 180/11, KPHB Colony, 4th Phase, Kukatpally, Hyderabad - 500085
17. Chukka Srinivas Rao, S/o.Deevudu Chukka, Gender. male Age.49 Occ. Business, R/o. H.No. HGI PLOT NO. 27, 28, FT.102/A, 5TH Phase, Kukatpally, Medchal-Malkajgiri, Hyderabad-500085, Telangana
18. C. Chandra Sekhar, S/o.C.Ashok, Gender male Age.43 Occ. Business, R/o. LIG 180/11, 4TH Phase, Kphb Colony, Kukatpally, Medchal Malkajgiri,Hyderabad-500085
19. Thoomu Yella Rao, S/o.Late Thoomu Yadaiah, Gender. male Age. 58 Occ. Business, R/o. H.No.12-1-73, Moosapet, Balanagar, Medchal-Malkajgiri District,Telangana, 500018
20. Muttaiah Jerripothula, S/o.Thirupati Jerripothula, Gender. male Age.35 Occ. Business, R/o. .H.No. 3-981, Gollapudi, Wyra, Khammam, Telangana-507165
21. Satish Chary, S/o.Modumpuram Sambaiah, Gender. male Age.38 Occ. Business, Address. HIG-56, IX Phase, KPHB Colony, Kukatpally, Hyderabad-500072.
22. Venkata Bala Krishna Arekapudi, S/o.Late Mallikarjuna Rao Gender.male Age.55 Occ. Business, Address. Krishnadevaraya Nagar, Flat NO.203, Srinivasam Apartments,Madinaguda, Miyapur, Hyderabad-500049
23. Sudhakar Mende Yadav, S/o. Late Yadaiah Mende Gender. male Age. 49 Occ. Business, Address. H.No.12-10-92/5/2, Bharath Nagar Colony, Moosapet, Kukatpally, Medchal-Malkajgiri District-500018

24. The Returning Officer/Revenue Divisional Officer, Medchal-Malakajiri District, 1st Cross Road, Verka Residency, Vayupuri, Neredmet, Secunderabad, Telangana-500094.
25. The District Election Officer/ District Collector, Medchal- Malkajiri District, Keesara Road, Near ORR Keesara Godumakunta, Secunderabad, Telangana – 500094
26. The State Election Commission, Represented by its Chief Electoral Officer, BRKR Bhavan Hyderabad- 500063.
27. The Election Commission of India, represented by its Chief Commissioner, Nirvachansadan, Ashoka Road, New Delhi – 110001

(Respondent Nos. 2 to 27 are not necessary parties)

...RESPONDENTS/RESPONDENTS

Interlocutory Application filed under Order IX Rule 7 of the Code of Civil Procedure, 1908 praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to set aside the order dated 19/06/2024 whereby the petitioner is ex parte and consequently grant an opportunity to the petitioner herein to file his counter and contest the case on merits.

Counsel for the Petitioner : Sri L. VENKATESHWAR RAO
Counsel for the Respondent No. 1 : Sri. T. RATAN SINGH

The Court made the following : ORDER

The Interlocutory Application is filed by the petitioner/respondent No.1 to set aside the order of this Court dated 19-06-2024 stating that he is suffering from Peri-Anal Abscess with Fistula since February, 2024 and on the advise of Doctors, underwent surgery on 11-06-2024 and was discharged from the Hospital on 12-06-2024. After surgery, the petitioner was advised to take complete bed rest. Thereafter, he came to know about the ex parte order passed by this Court in the above election petition. Then, he immediately taken steps to engage counsel.

The learned counsel for the petitioner submitted that his non-appearance before this Court was neither willful nor wanton but purely due to the above said reason, as such, requested the Court to set aside the ex parte order dated 19-06-2024.

On the other hand, the learned counsel for the respondents submitted that the petitioner actively participated in political activities, and he filed the petition with false submissions suppressing the real facts and the petitioner

did not engage counsel to represent his case, as such, prayed to dismiss the petition.

In the light of the submissions made by both parties and on perusal of the material available on record, it appears that the petitioner is suffering with health issues and he underwent surgery on 11-06-2024 and the Doctors advised to take bed rest and the learned counsel for the petitioner filed medical reports to that effect. Therefore, this Court deems fit to give fair opportunity to the petitioner and the order dated 19-06-2024 passed by this Court in the above election petition against the petitioner/respondent No. 1 herein is liable to be set aside.

Accordingly, this Interlocutory Application is allowed setting aside the order dated 19-06-2024 passed by this Court in the above election petition against the petitioner/respondent No.1.

Sd/-K. SRINIVASA RAO,
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Telangana State Legislative Assembly, Legislative Assembly Building, Nampally, Hyderabad.
2. The Section Officer, O.S. Section, High Court for the State of Telangana at Hyderabad.
3. One CC to Sri. T. Ratan Singh, Advocate [OPUC]
4. One CC to Sri L. VENKATESHWARA RAO, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:18/11/2024

NOTE TO O.S.

E.P.NO. 4 OF 2024
LIST ON 13-12-2024



ORDER

I.A. NO. 3 OF 2024
IN
E.P.NO. 4 OF 2024

ALLOWING THE INTERLOCUTORY APPLICATION

*7 copies
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26/11/24*