

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: C.C.C.A.Nos.107 and 50 of 2025

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
	23.04.2026	<u>KL,J & BRMR,J</u> <u>I.A.No.1 of 2025</u> in <u>C.C.C.A.No.107 of 2025</u> Heard learned counsel for the petitioner and learned counsel for respondent Nos.1 and 2. Notice sent to respondent No.3 was returned unserved with an endorsement 'refused'. Refusal amounts to service of notice. There is no representation on behalf of respondent No.3. This application is filed seeking to condone the delay of 120 days in filing the present appeal. In paragraph No.12 of the accompanying affidavit, petitioner has narrated the delay caused in preferring the present appeal stating that the present appeal is filed challenging the Judgment and Decree passed in O.S.No.173 of 2018. However, learned trial Court delivered common Judgment in O.S.Nos.601 of 2016 and 173 of 2018 and prepared decrees in both suits separately. Inadvertently, learned counsel appeared on behalf of the petitioner in the aforesaid suits, applied certified copies of Decree and common Judgment in O.S.No.601 of 2016 and failed to apply certified copy of decree in O.S.No.173 of 2018. Therefore, he filed an appeal <i>vide</i> C.C.C.A.No.50 of	

	2025 challenging the Decree and Judgment in O.S.No.601 of 2016, without any delay. Further, due to his old age, he fell seriously ill. Thus, there was a delay of 120 days in filing the present appeal. The said delay is neither willful nor want on. Respondent Nos.1 and 2 filed counter opposing the present application contending that the petitioner has to explain day to day delay in preferring the present appeal. The reasons mentioned by the petitioner are not satisfactory. Considering the fact that the suit is for permanent injunction, rights of the parties are involved in the present appeal and having satisfied with the aforesaid reasons mentioned in paragraph No.12 of the accompanying affidavit, this application is ordered. Delay of 120 days in preferring the appeal is condoned. <u>C.C.C.A.Nos.107 and 50 of 2025</u> List on 16.06.2026. In the meanwhile, Registry is directed to call for the original record in O.S.Nos.601 of 2016 and 173 of 2018 from the learned X Additional Chief Judge, City Civil Court, Hyderabad, prepare paper book and put up the same in the bundle. KL, J BRMR, J ynk	
--	---	--

--	--	--	--