

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE SUJOY PAUL

IA No. 1 OF 2024
IN
CRP NO: 1379 OF 2024

Between:

1. Smt. Kalpana, w/o Late. Bharat Bhushan.
2. Mr. Shashank, S/o Late Bharat Bhushan.
3. Mr. Sidharth, S/o Late Bharat Bhushan.
4. Mrs. Shilpa, D/o Late Bharat Bhushan

...Petitioner/defendant

AND

1. Master Samraat Bhushan, S/o Late Bharat Bhushan aged 14 years, Occ. Student R/o Flat No. 103, H. No. 16-10-228/A, Sri Rama Apartments, MCH Colony, Old Malakpet, Hyderabad, being minors represented by his natural mother and guardian Smt. Geeta Bhandari W/o Late Bharat Bhushan
2. Master Viraat Bhushan, S/o Late Bharat Bhushan aged 11 years, Occ. Student R/o Flat No. 103, H. No. 16-10-228/A, Sri Rama Apartments, MCH Colony, Old Malakpet, Hyderabad, being minors represented by his natural mother and guardian Smt. Geeta Bhandari W/o Late Bharat Bhushan.

...Respondent/Plaintiff

Counsel for the Petitioners : Sri Avadesh Narayan Sanghi

Counsel for the Respondent :

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 stay all further proceeding in O.S. No. 207 of 2023 on the file of XVII Senior Civil Judge, CCC, at Hyderabad, pending disposal of CRP No.1379 of 2024, on the file of the High Court.

The Court made the following

ORDER

Learned counsel for the petitioners submits that the plaintiffs filed O.S.No.1096 of 2023 seeking declaration that they are the legal representatives of Late Bharat Bhushan. The first wife and children were not impleaded in the aforesaid suit. The

present petitioners have already filed an application under Order I Rule 10 CPC in the said O.S.

The plaintiffs filed O.S.No.207 of 2023 claiming themselves to be the children of second wife of Late Bharat Bhushan. They suppressed material fact about filing of present O.S. where a declaration is sought for about legal representatives. In addition, they suppressed the material fact that a partition agreement dated 25.02.2022 had taken place. The litigant must approach the Court with clean hands, clean heart and clean objective. The suppression of material fact itself can be a ground for rejection of plaint is the bone of contention and for this purpose, heavy reliance is placed on the judgment of Madras High Court in A.E. Rathina Naicker v. V.Thirumalai {S.A.No.449 of 2016}.

Considering the aforesaid and subject to hearing the other side, till next date of hearing, further proceedings of O.S.No.207 of 2023 on the file of XVII Senior Civil Judge, City Civil Court at Hyderabad, shall remain stayed.

//TRUE COPY//

SD/-MOHD. ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XVII Senior Civil Judge, CCC, at Hyderabad.
2. Smt. Geeta Bhandari W/o Late Bharat Bhushan, on behalf of both Minor children i.e Master Samraat Bhushan S/o Late Bharat Bhushan
Master Samraat Bhushan, S/o Late Bharat Bhushan
Flat No. 103, H. No. 16-10-228/A, Sri Rama Apartments, MCH Colony, Old Malakpet, Hyderabad. (by RPAD)
3. One CC to Sri Avadesh Narayan Sanghi, Advocate [OPUC]
4. One spare copy
SP

HIGH COURT

SP,J

DATED:12/07/2024

ORDER

I.A.No.1 of 2024

IN

CRP.No.1379 of 2024



STAY