

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

COMMERCIAL COURT APPEAL NO: 5 OF 2018

Appeal under Section 13 of the Commercial Courts, Commercial Division and commercial Appellate Division of High Courts Act, 2015 against the Judgment dated 28.08.2017 passed in COP No. 39 of 2017 on the file of the Court of the Commercial Court for Trial and Disposal of Commercial Disputes-cum-XXIV Additional Chief Judge, City Civil Court at Hyderabad.

Between:

M/S Vijetha Foundations And Constructions PVT LTD, having its office at 16-11-515/1, Vijetha Navarathna Trade Centre, Dilsukhnagar, Hyderabad, Rep. by Managing Director Sri Ch. Madan Mohan S/o Lingaiah, Aged about 42 years, Occ-Business R/o 18-121/A, Kamala Nagar, Gaddiannaram, Hyderabad.

...Appellant/Petitioner

AND

1. Smt. P. Sunitha, W/o. Sri P. Srinivas, Occ-Housewife and Business, R/o H.No.16-2-751/C/4/124, Tirumala Hills, Malakpet, Hyderabad.
2. Hon'ble Justice V. Bhasker Rao, (Retired Judge), High court at Hyderabad , R/o Uppal, Hyderabad (Respondent No.2 is not necessary party)

...Respondents/Respondents

IA NO: 3 OF 2018

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 interim stay of all further proceedings in CEP No.6 of 2018, on the file of the Commercial Court for Trail and Disposal of Commercial Disputes-cum-XXIV Addl. Chief Judge, City Civil Court at Hyderabad pending disposal of com. CA.

IA NO: 1 OF 2019

Between:

Smt. P. Sunitha, W/o. Sri P. Srinivas, Occ-Housewife and Business, R/o
H.No.16-2-751/C/4/124, Tirumala Hills, Malakpet, Hyderabad.

**...Appellant/Respondent No. 1 in COP in
I.A. Nos. 1 of 2019 and 1 of 2025**

AND

1. M/S Vijetha Foundations And Constructions PVT LTD, having its office at 16-11-515/1, Vijetha Navarathna Trade Centre, Dilsukhnagar, Hyderabad, Rep. by Managing Director Sri Ch. Madan Mohan S/o Lingaiah, Aged about 42 years, Occ-Business R/o 18-121/A, Kamala Nagar, Gaddiannaram, Hyderabad.

...Respondent/Petitioner in COP

2. Hon'ble Justice V. Bhasker Rao, (Retired Judge), High court at Hyderabad, R/o Uppal, Hyderabad.
(Respondent No.2 is proforma party, hence, is not necessary to this petition)

...Respondent in I.A. Nos. 1 of 2019 and 1 of 2025

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 interim injunction restraining the respondent herein, his agents, successors, legal heirs, representatives etc., from style of "Vijetha Shyamala Prestige" bounded by North :- House No. 16-11-19/5/2/D1 South :- House No. 16-11-20/7/H/2 & NH-9 main road East :- House No. 16-11-20/6/7/1/1 West :- Neighbor Property on Plot No. 13, Opp; TV Tower Malkapet Hyd., from alienating, encumbering or creating any 3rd party interest in respect of above pending disposal of the above COMCANo. 5 of 2018 in the interest of justice.

IA NO: 1 OF 2025

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 receive the documents enclosed herewith.

IA NO: 2 OF 2025

Petition under Section order 9 Rule 9 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to set-a-side the dismissal order dated 18/12/2025 passed in COMCA No. 5 OF 2018 and to restore the said appeal along with all the connected applications so as to enable the petitioner to conduct the appeal in the interest of justice.

Counsel for the Appellant : Sri. G Shashidhar Reddy (Not Present)

Counsel for the Respondents : Sri V Seetharama Avadhani (Not present)

The Court delivered the following:

HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR**

COMCA.No.5 OF 2018

DATE: 18.12.2025

Between:

M/s.Vijetha Foundations & Constructions Pvt. Ltd.,

...Appellant/Petitioner

And

Smt.P.Sunitha W/o. Sri P.Srinivas and another

...Respondents/Respondents

Mr.G.Shashidhar Reddy, learned counsel appearing for the appellant.

JUDGMENT: (Per Hon'ble Justice Moushumi Bhattacharya)

1. Adjournment is prayed for on behalf of learned counsel appearing for the appellant, even at the time of second call. The proceeding sheets indicate that from 17.11.2025 onwards, similar prayers for adjournment have been made on behalf of the appellant on each and every occasion.

2. This is the sixth consecutive prayer for adjournment. It is a 'Specially Identified Case' pertaining to the year 2018, in

respect of which administrative directions have been issued that no adjournments shall be granted.

3. COMCA.No.5 of 2018, along with all connected applications, is accordingly dismissed. Interim orders, if any, shall stand vacated. There shall be no order as to costs.

SD/- K. SRINIVASA RAO
JOINT REGISTRAR

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//TRUE COPY//

SECTION OFFICER

To,

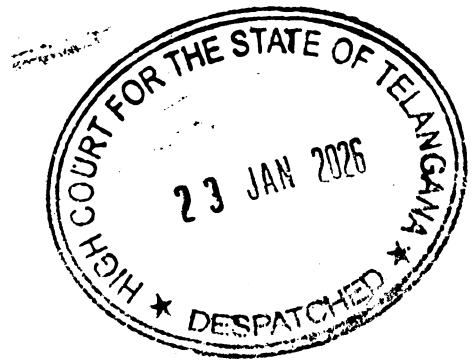
1. The Commercial Court for Trial and Disposal of Commercial Disputes-cum-XXIV Additional Chief Judge, City Civil Court at Hyderabad. (With records, if any)
2. One CC to Sri. G Shashidhar Reddy, Advocate [OPUC]
3. One CC to Sri V Seetharama Avadhani, Advocate [OPUC]
4. Two CD Copies

DL/PSL.

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HIGH COURT

DATED:18/12/2025



JUDGMENT

COMCA.No.5 of 2018

DISMISSING THE APPEAL

Coopre/s
19
23/1/26