

IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF JANUARY  
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA

AND

THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

I.A. No. 2 of 2025

In

COMMERCIAL COURT APPEAL NO: 5 OF 2018

**Between:**

M/S Vijetha Foundations And Constructions PVT LTD, Rep. by its Managing director Sri. Ch. Madan Mohan, #16-11-515/1, Vijetha Navarathna Trade Centre, Dilsukhnagar, Hyderabad, Rep. by Managing Director CH. Madan Mohan S/o CH. Lingaiah, Aged about 42 years, Occ-Business R/o. Block-IV, Green Terraces, Bandlaguda, Nagole, Hyderabad.

**... Petitioner/Appellant**

**AND**

1. Smt. P. Sunitha, W/o. Sri P. Srinivas, Occ- Business, R/o H.No.16-2-751/C/4/124, Tirumala Hills, Malakpet, Hyderabad.
2. Hon'ble Justice V. Bhasker Rao, (Retd) R/o. Uppal, Hyderabad.

**...Respondents**

Petition under 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 aside 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 : Mr. G Shashidhar Reddy**

**Counsel for the Respondent No. 1 : Mr. V Seetharama Avadhani**

**The Court made the following:**

The respondent No.1 is present and opposes the application for restoration of the COMCA. The ground for objection is that the appellant has been unduly delaying the matter since 2018.

The respondent No.1/Award Holder submits that costs of Rs.5,00,000/- should be imposed on the appellant for restoration of the COMCA.

The Proceedings Sheets show that learned counsel for the appellant has been seeking time, at least before this Court, since July, 2025 and that the appellant has been enjoying interim stay since 23.08.2018.

Considering the averments made in paragraph No.3 of the I.A., we deem it fit to recall the order dated 18.12.2025, whereby the COMCA was dismissed for default, and restore the COMCA along with all connected applications to its file and number, subject to the payment of costs of Rs. 50,000/-. The said amount shall be paid by the appellee to the respondent No. 1 within seven (7) days from the date of receipt of a copy of this order.

//TRUE COPY//

SD/- M.MANJULA  
JOINT REGISTRAR

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. The Section Officer, O.S. Section, High Court for the state of Telangana at Hyderabad.
3. One CC to Sri. G Shashidhar Reddy, Advocate [OPUC]
4. One CC to Sri V Seetharama Avadhani, Advocate [OPUC]
5. Two CD Copies

DL/PSL



HIGH COURT

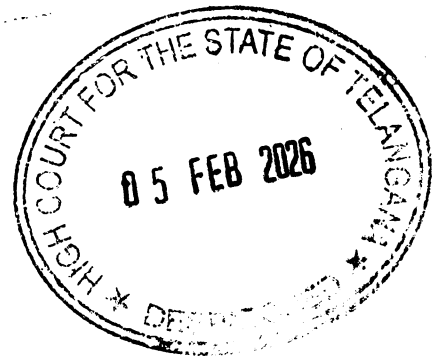
DATED: 30/01/2026

ORDER

I.A. No. 2 of 2025

In

COMCA.No.5 of 2018



DIRECTION

(7) MT  
5/2/26