

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

**WEDNESDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR**

:PRESENT:

THE HONOURABLE DR. JUSTICE G.RADHA RANI

**IA No. 1 OF 2024
IN
CRP NO: 2442 OF 2024**

Between:

1. Smt Vadde Shankamma (DIED), died
2. Sri Vadde Bharat Kumar, S/o Vadde Gopal Aged about 31 years
3. Sri Vadde Eeshwar, S/o Vadde Gopal Aged about 30 years Occ: Agriculture/Daily Labour Both are R/o H. No 3-30, Bandlaguda Village, Ramachandrapuram village, Sanga Reddy District.

**...Petitioners/Respondent Nos. 2 and 3
(Petitioner in CRP 2442 OF 2024
on the file of High Court)**

AND

1. Smt. Vadde Kamasamma, W/o Kisthaiah D/o Late Vadde Gopal Age 38 years Occ: House hold R/o H- No 9-83, Nagasanpally village, Sadasivpet Mandal, Sanga Reddy District.
2. Smt. Vadde Laxmi, W/o Ashok D/o Late Vadde Gopal Age 36 years Occ: House hold R/o H- No 1- 29, Madinaguda village Miyapur, Ranga Reddy District.
3. Smt. Vadde Vasantha, W/o Krishna D/o Late Vadde Gopal Age 34 years Occ: House hold R/o H- No 7- 14, Kottalaguda village Vikarabad Mandal and District.
4. Smt. Vadde Renuka, W/o Krishna D/o Late Vadde Gopal Age 32 years Occ: Household R/o H- No 5- 4/1, Mokila village Shankarpally Mandal, Ranga Reddy District.

**...Respondents/Plaintiffs
(Respondents in-do-)**

Petition under Section 151 CPC praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to stay of all further proceedings in O. S. No. 33 of 2020 pending on the file of Principal Senior Civil Judge - cum- Assistant Sessions Judge Sanga Reddy, Pending disposal of CRP No. 2442 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI BADDAM ARAVIND REDDY Advocate for the Petitioners, The Court made the following

ORDER:

This application is filed by the petitioners-defendant Nos.2 and 3 to grant stay of all further proceedings in O.S. No.33 of 2020 pending on the file of Principal Senior Civil Judge-cum-Assistant Sessions Judge, Sanga Reddy, pending disposal of the revision petition.

Heard the learned counsel for the petitioners-defendant Nos.2 and 3.

The learned counsel for the petitioners submitted that the petitioners filed a petition under Section 5 of the Limitation Act to condone the delay of 393 days in filing the petition to set aside the *ex parte* decree dated 20.06.2022 in O.S. No.33 of 2020. The petitioners received summons in O.S. No.33 of 2020 (which was filed by the respondent-plaintiff for partition and separate possession), but could not engage counsel as they were suffering with ill health. The suit was filed by the respondents-plaintiff in the month of March, 2020 during Covid period and the Hon'ble Apex Court waived the period of limitation, but the trial court dismissed the petition on the ground that day to day delay was not explained. Aggrieved by the said dismissal, the petitioners preferred the present civil revision petition.

Learned counsel further submitted that the suit was posted to 13.08.2023 for submitting the Advocate Commissioner's report. If stay of further proceedings was not granted, the petitioners would be put to irreparable loss and prayed to grant stay of all further proceedings in O.S. No.33 of 2020 on the file of the Principal Senior Civil Judge, Sanga Reddy, pending disposal of the CRP.

Considering the submissions of the learned counsel for the petitioners, it is considered fit to grant stay as prayed for.

Accordingly, there shall be interim stay of all further proceedings in O.S. No.33 of 2020 pending on the file of Principal Senior Civil Judge-cum-Assistant Sessions Judge, Sanga Reddy, till 28.08.2024.

Issue notice to the respondents.

Learned counsel for the petitioners is permitted to take out personal notice on respondents by RPAD and file proof of service of notice.

Post the matter on 28.08.2024.

SD/- T.TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Senior Civil Judge - cum- Assistant Sessions Judge Sanga Reddy
2. Smt. Vadde Kamasamma, W/o Kisthaiah D/o Late Vadde Gopal Age 38 years Occ: House hold R/o H- No 9-83, Nagasanpally village, Sadasivpet Mandal, Sanga Reddy District.
3. Smt. Vadde Laxmi, W/o Ashok D/o Late Vadde Gopal Age 36 years Occ: House hold R/o H- No 1- 29, Madinaguda village Miyapur, Ranga Reddy District.
4. Smt. Vadde Vasantha, W/o Krishna D/o Late Vadde Gopal Age 34 years Occ: House hold R/o H- No 7- 14, Kottalaguda village Vikarabad Mandal and District.
5. Smt. Vadde Renuka, W/o Krishna D/o Late Vadde Gopal Age 32 years Occ: Household R/o H- No 5- 4/1, Mokila village Shankarpally Mandal, Ranga Reddy District.
(Addresses 2 to 5 By RPAD)
6. One CC to SRI. BADDAM ARAVIND REDDY, Advocate [OPUC]
7. One spare copy

HIGH COURT

Dr.GRR, J

DATED:07/08/2024

**NOTE: POST THE MATTER
ON 28.08.2024.**

ORDER

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IN
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INTERIM STAY

