

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

**WEDNESDAY, THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE
PRESENT**

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

CIVIL REVISION PETITION NO: 2205 OF 2023

Petition under Article 227 of the Constitution of India, aggrieved by the Order dated. 08.06.2023 passed in I.A.No. 102 of 2022 in O.P.No. 55 of 2005, on the file before the Telangana Co- operative Tribunal at Hyderabad.

Between:

1. Dr. K. Janardhan Reddy, S/o. K. R. S. Reddy, Aged about 73 years, Occ: Business, R/o. Malkapur Village, Choutuppal Mandal, Yadadri Bongir District
2. Smt. K. Indira, W/o. Dr. K. Janardhan Reddy Aged about 62 years, Occ: Business R/o. Malkapur Village, Choutuppal Mandal, Yadadri Bongir District
3. S. Sudhakar Reddy, S/o. Aged about 60 years, Occ: Business R/o. R/o. Malkapur Village, Choutuppal Mandal, Yadadri Bongir District

...PETITIONERS/RESPONDENTS/RESPONDENTS

AND

The Prudential Co- operative Bank Ltd., Rep. by its Managing Director R. P. Road, Secunderabad.

...RESPONDENT/PETITIONER/PETITIONER

IA NO: 2 OF 2023

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 proceedings pursuant to the Impugned Order dt. 08.06.2023 passed in I.A.No. 102 of 2022 in O.P.No. 55 of 2005, before the Telangana Co- operative Tribunal at Hyderabad, in the interest of justice, pending disposal of the main C.R.P.

Counsel for the Petitioners: Sri. Madhusudhan Reddy Pasunoor

Counsel for the Respondent: Sri. M Venkat Divakar

The Court made the following: ORDER

THE HON'BLE JUSTICE B.R. MADHUSUDHAN RAO

CIVIL REVISION PETITION No.2205 of 2023

ORDER:

1. This Civil Revision Petition is filed under Article 227 of Constitution of India assailing the order dated 08.06.2023 passed in I.A.No.102 of 2022 in O.P.No.55 of 2005 by the Telangana Co-operative Tribunal at Hyderabad.

2. Petitioners herein are the respondents and sole respondent herein is petitioner in I.A.No.102 of 2022.

3.1 Learned counsel for the petitioners submits that the trial Court grossly erred in allowing the application for amendment after 15 years knowing fully well that the trial in O.P. is concluded and the same is posted for final hearing. The application filed by the respondent is to fill up the lacuna and the relief sought therein totally changes the character of the O.P.

3.2. The trial Court failed to see that the entire proceedings initiated are from 2004 and the respondent has no locus standi to continue the proceedings, being barred by limitation, ought not to have allow the application.

3.3. The trial Court failed to see that the application filed by the respondent under order VI rule 17 of CPC by itself is not maintainable as the liquidator is seized of the matter since 2004 and if at all he wants to continue the proceedings, either he should have filed the application to transpose himself as plaintiff in the place of the respondent or should have filed implead petition and failure to do so, filing the present application is totally misconceived and not maintainable and allowing of the application at the instance of the respondent after 17 years is causing miscarriage of justice.

3.4. The trial Court allowed the application in absence of valid reasons, amendment application cannot be allowed at the stage of arguments. In support of his contentions he relied on the decision of Basavaraj v Indira and others¹

4. Learned counsel for the respondent submits that the affidavit is filed by the liquidator before the trial Court and respondent-petitioner Bank is in liquidation with effect from 07.12.2004. But the respondent-petitioner could not bring the liquidator on record, evidence of the liquidator of is also recorded and the petitioners-respondents have also stated in the cause title

¹ 2024 INSC 151

of the affidavit that the Bank is represented by the liquidator. In support of his contentions, he relied on the decisions in the cases of i) Harcharan v State of Haryana² and ii) Life Insurance Corporation of India v Sanjeev Builders Private Limited and another³.

5. Power of the High Court under Article 227 of Constitution of India is supervisory and is exercised to ensure courts and tribunals under its supervision act within the limits of their jurisdiction conferred by law. This power is to be sparingly exercised in cases where errors are apparent on the face of record, occasioning grave injustice by the court or tribunal assuming jurisdiction which it does not have, failing to exercise jurisdiction which it does have, or exercising its jurisdiction in a perverse manner (See: K.Valarmathi and Others Vs. Kumaresan – 2025 SCC OnLine SC 985)‘.

6. Learned counsel for the petitioners during the course of arguments has relied on Sections 41, 42 and 43 of the A.P.Mutually Aided Corporative Societies Act, 1995.

² 1982 Law Suit (SC) 186

³ (2022) 16 SCC 1.

7. Respondent-petitioner Bank has filed O.P. against petitioners-respondents on 16.11.2024. The same was returned with office objections by the learned Tribunal and thereafter objections were complied and the O.P. came to be numbered on 06.08.2005 vide O.P.No.55 of 2005. The respondent – petitioner – Bank went in liquidation on 07.12.2004. Petitioners who are respondents in the O.P. have filed their counter on 19.03.2008.

8. Proceeding of the Registrar of Co-operative Societies, Andhra Pradesh, Hyderabad dated 07.12.2002 goes to show that the respondent-petitioner Bank went in liquidation and accordingly, the Registrar of Co-operative Societies has appointed a liquidator (Sri.V.Amarendra Rao) and he shall discharge the duties as per Section 42 of A.P.Mutually Aided Co-operative Societies Act.

9. As per the proceedings of Registrar of Co-operative Societies, Andhra Pradesh, Hyderabad, dated 07.12.2002, respondent-petitioner-Bank has been taken over by liquidator on the above said date but the respondent-petitioner failed to amend the cause title. Record further goes to show that the liquidator has filed his affidavit in the form of PW-1 and was cross-examined by the petitioners-respondents counsel.

10. Learned counsel for the respondent has also filed additional material papers which are chief-examination affidavit of RWs.1 to 3 and the adjournment petition filed by the petitioners seeking adjournment of O.P for a period of 4 weeks as the petitioner No.1 has under gone chest pain. The cause title shown in the affidavit of RW1 to RW3 is that Co-operative Bank is represented by its liquidator, R.P.Road, Secunderabad (respondent herein). The similar cause title is also mentioned in the application filed by the petitioners seeking adjournment of the O.P.

11.1. In Basavaraj¹, the Supreme Court has held that if the amendment is allowed in the case on hand certainly prejudice will be caused to the appellant, which cannot be done directly, cannot be allowed to be done indirectly.

11.2. Having gone through the above said decision, I find that they are distinguished from the facts of the present case and thus the ratio of the above said case would not apply in the present case.

12.1. In Ganesh Trading Company v Moji Ram⁴, the Supreme held that "procedural law is intended to facilitate and not to obstruct the course of substantive justice. Provisions relating to pleading in civil cases are meant to give to each side intimation of the case of

⁴ AIR 1978 SC 484

the other so that it may be met, to enable Courts to determine what is really at issue between parties, and to prevent deviations from the course which litigation on particular causes of action must take”.

12.2. The above said decision is followed in Haricharan² case.

13. In Sanjeev Builders³ the Supreme Court held as follows:

71.3. The prayer for amendment is to be allowed:

... ..

71.3.2. To avoid multiplicity of proceedings provided

- a) the amendment does not result in injustice to the other side,
- b) by the amendment, the parties seeking amendment do not seek to withdraw any clear admission made by the party which confers a right on the other side, and
- c) The amendment does not raise a time-barred claim, resulting in divesting of the other side of a valuable accrued right (in certain situations).

... ..

71.4.1 By the amendment, a time-barred claim is sought to be introduced, in which case the fact that the claim would be time-barred becomes a relevant factor for consideration.

... ..

71.6 Where the amendment would enable the Court to pin-pointedly consider the dispute and would aid in rendering a more satisfactory decision, the prayer for amendment should be allowed.

14. As stated supra, the liquidator is examine as PW-1 in main O.P. and the said witness is cross examined by the petitioners' counsel and petitioners who are respondents in the O.P. have also filed their affidavits, which goes to show that the respondent - petitioner Bank is represented by a liquidator.

- 15.** The O.P. filed by the respondent-petitioner is to direct the respondents therein (petitioners herein) to pay a sum of Rs.2,72,06,015/- and to award interest at the agreed rate of 21% per annum together with penal interest of 2% above agreed rate of interest and to sell the suit schedule property shown in the O.P.
- 16.** As the O.P. filed by the respondent is for recovery of huge amount, the learned trial Court has taken into consideration the aspects of delay and rightly observed in para Nos.19 to 34 and held that as the respondent-petitioner-bank went in liquidation and symbolically imposed cost of Rs.100/- payable to the respondents (petitioners herein).
- 17.** This Court is of the view that the learned trial Court has properly considered the contentions of the parties and rightly allowed the application filed by the respondent under Order VI Rule 17 of CPC. This Court is of the view that the petitioners have not made out any case to interference with the order passed by the learned trial Court.
- 18.** In view of the above reasoning the Civil Revision Petition is devoid of merits and the same is liable to dismissed.

19. The Civil Revision Petition is dismissed. There shall be no order as to costs.

Interim orders if any shall stand vacated. Miscellaneous Petitions shall stand closed.

SD/- U.SUDHA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To

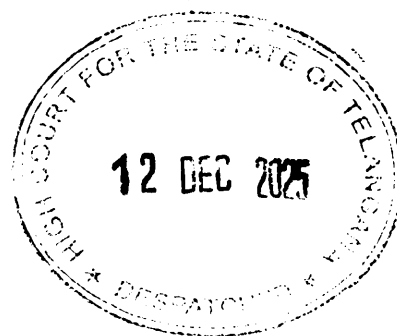
1. The Chairman, Telangana Co- operative Tribunal at Hyderabad.
2. One CC to SRI. Madhusudhan Reddy Pasunoor, Advocate [OPUC]
3. One CC to SRI. M Venkat Divakar, Advocate [OPUC]
4. Two CD Copies

PR



HIGH COURT
DATED: 12/11/2025

ORDER
CRP.No.2205 of 2023



DISMISSING THE CRP
WITHOUT COSTS

(6)

kpoo
12/12/25