

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

**FRIDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CIVIL REVISION PETITION NO: 2393 OF 2025

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set-a-side the order passed in I.A.No.938 of 2025 in O.S.No.210 of 2021 dt.18.6.2025 by the Principal Senior Civil Judge, Medchal-Malkajgiri District at Kushaiguda.

Between:

1. R. Rammohan Varma, S/o. R. Ganesh Varma Aged 58 years, Occ. Business, R/o. H.No. 1-2-607/51, Plot No.13, (new no.495), SBH Colony, Behind DBR Mills, Gandhinagar, Hyderabad.
2. Abramani Hanumanthu Rao, S/o. Pochaiah, Aged 53 years, Occ. Business, R/o. H.No. 131-34/2, Saipuri Colony, Near Malkajgiri Function Hall, Malkajgiri, Medchal-Malkajgiri District.

...Petitioner/Defendants

AND

1. B. Narsing Rao (died per LRs), Hyderabad.
2. R. Jayasri, W/o B. Narsing Rao Aged 52 years, Occ. Housewife, R/o. H. No. 5-4-42/1, 3rd Floor, JN Road, Opp. NTR Estate Abids, Hyderabad.
3. B. N. Anil Kumar, S/o. B. Narsing Rao Aged 52 years, Occ. Pvt. Service, R/o No. 29, Chesapeake Rd, Monmouth Jn. NJ, 08852 USA presently H.No.5-4-42/1, 3rd Floor, JN road, Opp. NTR Estate, Abids, Hyderabad.
4. B.N. Ajay Kumar, S/o. B. Narsing Rao, Aged 55 years, Occ. Pvt. Service, H.No. 3-12-12/2, Ganesh Nagar, Ramanthapur, Hyderabad.
5. B. N. Vijay Kumar, S/o. Narsing Rao, Aged 57 years, Occ. Pvt. Service, R/o. 1-19-67, Road No.2, Goutham Nagar, Malkajgiri.

...Respondent/Plaintiff

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 grant stay of all further proceedings in O.S.No.210 of 2021 on the file of the Court of the Principal Senior Civil Judge, Medchal-Malkajgiri District at Kushaiguda pending disposal of the main CRP and pass.

Counsel for the Petitioner(s): Sri. M V Hanumanth Rao

Counsel for the Respondent No.2: Sri P.Shashi Kiran

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

CIVIL REVISION PETITION No.2393 OF 2025

ORDER:

Heard Sri M.V. Hanumantha Rao, learned counsel for the petitioners/defendant Nos.2 and 3 and Sri P. Shashi Kiran, learned counsel appearing for respondent No.2/plaintiff. Respondent Nos.4 and 5 are defendant Nos.4 and 5 and they are not necessary parties to the present revision.

2. This revision is filed under Article 227 of the Constitution of India challenging the order dated 18.06.2025 in I.A.No.938 of 2025 in O.S.No.210 of 2021 by the learned Principal Senior Civil Judge, Medchal-Malkajgiri District at Kushaiguda.

3. 2nd respondent has filed a suit vide O.S.No.210 of 2021 against the petitioners, respondent Nos.4 and 5 herein for cancellation of registered sale deed and for consequential reliefs. During pendency of the said suit, the petitioners herein filed an application under Order 18 Rule 17 of CPC vide I.A.No.938 of 2025 to recall C.W.1 contending that their counsel was admitted in hospital due to ailments like giddiness, severe gastritis problem, familial mediterranean fever AD with symptoms of every day fever and suffered on 12.03.2025

with giddiness and therefore, sought for time to cross-examine C.W.1 as the said witness is an important witness.

4. 2nd respondent/plaintiff filed counter opposing the said application stating that the petitioners did not mention satisfactory reasons and they have not filed any document in proof of the same seeking recall of CW.1.

5. Vide impugned order dated 18.06.2025, learned trial Court dismissed the said application holding that the petitioners herein failed to mention any satisfactory reasons for recall of C.W.1 who is a doctor. Challenging the said order, the petitioners have filed the present revision.

6. As discussed supra, the respondent Nos.1 to 3 filed the aforesaid suit for cancellation of registered sale deed bearing document No. 1980 of 2020 dated 19.03.2020. During pendency of the said suit, the petitioners herein have filed LA No.938 of 2025 under Order 18 Rule 17 to recall C.W.1 contending that the matter was posted for cross-examination of C.W.1 - doctor to 2.03.2025, on which date, his counsel was admitted in hospital as he was suddenly suffered with giddiness as he was also suffering with other ailments like severe gastritis problem, familial mediterranean fever AD with

symptoms of every day fever etc. However, the petitioners have not filed any documents in proof of the same including medical prescriptions to show that their counsel admitted in hospital etc. in support of their contentions in the said application. However, trial Court dismissed the said application holding that C.W.1 is an official witness, he is just witness and guest witness, hence everyone should bestow to do today job.

7. The petitioners have not filed any medical record in proof of their contentions. However, the suit is filed for cancellation of registered sale deeds. To do substantial justice, it is always proper to afford an opportunity to the petitioners to cross-examine the C.W.1 -- the official witness. Though the petitioners have not filed any document to show that their counsel was admitted in hospital, they have pleaded the same in paragraph No.2 of the affidavit in I.A.No.935 of 2025. There is no doubt that C.W.1 is an official witness, he is to be treated as guest witness. At the same time, learned trial Court has to afford an opportunity to the petitioners herein considering the said affidavit filed by the petitioners on oath. The trial Court missed the said fact. Therefore, this Court is of the view that an opportunity shall be given to the petitioners to cross-examine the

C.W.1. During the course of hearing, it is brought to the notice of this Court that the trial Court posted the said suit to 04.12. 2025.

8. In the light of the same, this revision is disposed of. The impugned order dated 18.06.2025 passed in I.A.No 938 of 2025 in O.S.No.210 of 2021 by the learned Principal Senior Civil Judge, Medchal-Malkajgiri District at Kushaiguda, is set aside. The said I.A.No.938 of 2025 is allowed. Learned trial Court shall issue summons to C.W.1 on payment of batta. However, the petitioners shall complete cross-examination of C.W.1 before the trial Court on 04.12.2025 without seeking adjournment, failing which, the trial Court shall proceed with the matter, in accordance with law.

Consequently, pending miscellaneous petitions, if any, in this revision shall stand closed.

Sd/- S. M ALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Senior Civil Judge, Medchal-Malkajgiri District at Kushaiguda.
2. One CC to Sri. M V Hanumantha Rao, Advocate [OPUC]
3. One CC to Sri. P.Shashi Kiran, Advocate [OPUC]
4. Two CD Copies.

YJR/PR

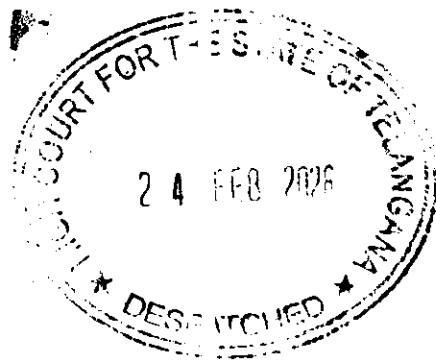
Pme.

HIGH COURT

DATED:14/11/2025

ORDER

CRP.No.2393 of 2025



**DISPOSING OF THE CIVIL
REVISION PETITION.**

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