

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

**SATURDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE RENUKA YARA

CIVIL REVISION PETITION NO: 3094 OF 2024

Petition under Article 227 of the Constitution of India, Aggrieved by the order dated 18.09.2024 made in I.A.No. 431 of 2023 in O.S.No. 158 of 2023 on the file of the II Additional Senior Civil Judge, Ranga Reddy District, at L.B. Nagar.

Between:

1. Dr.Y.Srinivas, S/o. Y.Nageswara Rao, Aged 46 years, Occ. Business, R/o. 13-4-27/D, 1st Floor, Sri ShailajaPushpa Chambers, Vikas Nagar, Dilsukhnagar, Hyderabad.
2. M/s.Sri Balaji Denpro, Represented by it's Managing Partner, Mrs.Y.RadhaMayuri, W/o.Dr.Y.Srinivas, Aged 43 years, Occ. Business, R/o.13-4-27/D, 1st Floor, Sri ShailajaPushpa Chambers, Vikas Nagar, Dilsukhnagar, Hyderabad.
3. Mrs.Y.Radha Mayuri, W/o. Dr.Y.Srinivas, Aged about 42 years, Occ. Business 13-4-27/D, 1st Floor, Sri ShailajaPushpa Chambers, Vikas Nagar, Dilsukhnagar, Hyderabad.

...Petitioners

AND

Rallabandi Hanumantha Rao, S/o. late Sri Rama Sastry, aged 55 years, R/o. H.No.12-1-531/17B, Bandlaguda Village, Uppal Mandal, Hyderabad.

...Respondent

IA NO: 1 OF 2024

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** all further proceeding in O.S.No.158 of 2023 on the file II Additional Senior Civil Judge, Ranga Reddy District, at L.B.Nagar pending disposal of the above C.R.P.

Counsel for the Petitioners: Mr. V V RAMANA, Advocate

Counsel for the Respondent: Mr. SRINIVAS CHITTURU, Advocate

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE RENUKA VARA

CIVIL REVISION PETITION No.3094 of 2024

ORDER:

Heard Sri. V.V.Ramana, learned counsel for the revision petitioners and Sri.Srinivas Chitturu, learned counsel for the respondent. Perused the record.

2. This Civil Revision Petition is filed challenging the order 18.09.2024 passed in I.A. No. 431 of 2023 in O.S. No. 158 of 2023 by the learned II Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, wherein, the petition filed under Order XXXVII Rule 3 of the Civil Procedure Code, 1908 (for short, 'the CPC') to grant leave to the revision petitioners to defend the main suit in O.S. No. 158 of 2023 which is a summary suit, was dismissed.

3. Learned counsel for the respondent challenged the maintainability of the Civil Revision Petition placing reliance on the judgment of the High Court of Judicature at Madras in C.R.P. No. 2769 of 2024 and C.M.P. No. 14696 of 2024, wherein the reference is made to the judgment of the Hon'ble Supreme Court of India in the case of ***Ajay Bansal v. Anup Mehta and others***¹ wherein it is

¹2007 [2] SCC 275

held that an application under Article 227 of the Constitution of India would not be maintainable where an Appeal lies.

4. It is observed by the Hon'ble Supreme Court of India in **Ajay Bansal** (Supra) as follows:

"An appeal lay from the decree under Section 96 of the Code. When an appeal could be filed, ordinarily, an application under Article 227 of the Constitution of India would not be entertained."

(verbatim reproduced)

5. Further, it is held that that the Civil Revision Petition under Article 227 of the Constitution of India is not maintainable for challenging the order passed under Order XXXVII Rule 3(6) of the CPC to grant leave to defend the suit as a remedy of appeal is available.

6. The facts of the present case are squarely covered under the ratio laid down by the Hon'ble Supreme Court in the case of **Ajay Bansal** (Supra). An order passed under Order XXXVII Rule 3 of the CPC has to be appealed and that the Civil Revision Petition under Article 227 of the Constitution of India, is not maintainable.

7. In the result, the Civil Revision Petition is dismissed as not maintainable with liberty to the revision petitioners to pursue other remedies available under the law by excluding the time period

consumed in prosecuting the present Civil Revision Petition. There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

SD/- N SRIHARI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Senior Civil Judge, Ranga Reddy District, at L.B. Nagar.
2. One CC to Mr. V V RAMANA, Advocate [OPUC]
3. One CC to Mr. SRINIVAS CHITTURU, Advocate [OPUC]
4. Two CD Copies

RC/PSL

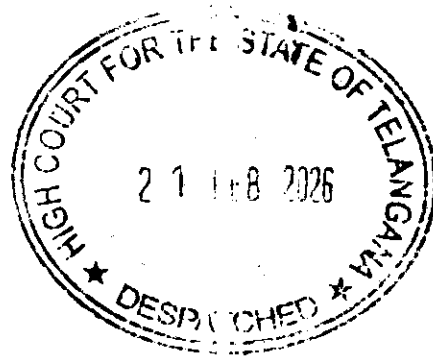


HIGH COURT

DATED: 25/10/2025

ORDER

CRP.No.3094 of 2024



The Civil Revision Petition is Dismissed

⑥
21/01/26
K:K