

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
MONDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

IA No. 3 OF 2025

IN

CRP NO: 3379 OF 2025

Between:

1. Singampally Raja Rao, S/o. Applla Swamy
2. Singampally Nirmala, W/o. Raja Rao,
3. Singampally Durga Prasad, S/o. Raja Rao
4. Singampally JayaSree, D/o. Raja Rao

...Petitioners

(Petitioner in CRP 3379 OF 2025
on the file of High Court)

AND

Bupathi Paidithalli, S/o. Late Muthyalu, Occ. Business, R/o. Behind SC
Main Hospital, Relli Bazar, Kothagudem Town and Mandal, Bhadradri
Kothagudem Dist.

...Respondent

(Respondent in-do-)

Counsel for the Petitioner : SRI GOPALA RAO AMANCHARLA V

Counsel for the Respondent : ---

Petition under Section 151 of C.P.C 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 in pursuance of the Judgment and Decree passed in O.S No.169 of 2015 passed by the Principal Senior Civil Judge, Kothagudem, Bhadradri-Kothagudem District including E.P No.66 of 2024, pending disposal of CRP No.3379 of 2025, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

Heard, Mr. Gopala Rao Amancharla. V, learned counsel for the petitioners.

Learned counsel for the petitioners submitted that Respondent/Plaintiff/Decree holder filed a suit O.S.No.169 of 2015 passed by the Principal Senior Civil Judge, Kothagudem, Bhadradri-Kothagudem District for seeking a declaration of possessory title and for consequential recovery of possession of the suit schedule property from the petitioners/judgment debtors/Defendants invoking the provision of Section 6 of the Specific Relief Act, 1963, though the said suit is not maintainable under section 6 of the Specific Relief Act, 1963 (for brevity 'the Act').

He further submitted that, even according to the averments made in the plaint, the plaintiff permitted the petitioner No.1/defendant No.1 and his family members to reside in one portion (Southern Portion) of the scheduled property and even in the cause of action the respondent/plaintiff had mentioned that the cause of action arises for institution of suit on 16.03.2015 and 21.03.2015. As per the Section 6 of the Act, the respondent/plaintiff ought to have filed suit within a period of six months from the date of dispossession. Though the petitioners have not dispossessed the respondent from the suit scheduled property and petitioners are in possession of the suit scheduled property with the consent of respondent only. Hence, the provision of Section 6 of the Act does not apply.

He further submits that the learned Principal Senior Civil Judge, without concerning above said aspects decreed the suit on 02.06.2023. The petitioners wrongly approached the learned Principal District Judge, Bhadradri-Kothagudem District and filed A.S.No.33 of 2024, though the

said appeal is not maintainable and the learned Principal District Session Judge dismissed the appeal and confirmed the decree and judgment passed by the trial Court on 23.07.2025.

Aggrieved by the same, the petitioners have approached this Court and filed S.A. No. 390 of 2025, and this Court dismissed the said appeal on 08.09.2025 on the ground that the same is not maintainable and further hold that as per the provision of Section 6 of the Act, A.S. No. 33 of 2024 is also not maintainable before the learned Principal District Judge, Bhadradi-Kothagudem District. Hence, the question of admitting Second Appeal does not arise. However, the petitioners are granted liberty to pursue the remedies available under law, if any cause exists.

Accordingly, the petitioners filed the present C.R.P invoking the provision of Section 155 of C.P.C. He further submitted that the respondent/Decree holder filed execution petition for seeking execution of the decree dated 02.06.2023 and the said E.P. is pending before the Execution Court.

After considering the above said submission and after perusal of the record it reveals that even according to the Para No. 7 of the plaint it reveals that the cause of action arises to file suit on 16.03.2015 and 21.03.2015. Section 6 (2)(a) of the Act would reveal that no suit under section 6 of the Act is maintainable after expiry of 6 months from the date of dispossession.

In Para No.2 of the plaint, it is mentioned that respondent/plaintiff permitted the petitioner/ defendant No.1 and his family members to reside one portion (Southern Portion) of the Suit Scheduled Property. The respondent/Plaintiff filed suit in respect of the southern house portion. It is pertinent to mention as per Sub section 3 of Section 6 of the act, no appeal shall lie from any order or decree passed in any suit instituted under Section 6 of the Act.

Taking into consideration of the above said aspects, this Court is of the consider view is that the matter is required detailed adjudication.

Hence, there shall be interim stay of all further proceedings in E.P. No. 66 of 2023 on the file of learned Principal Senior Civil Judge,

Bhadradri-Kothagudem District, pursuant to the decree and judgment dated 02.06.2023 passed in O.S.No.16 of 2015, for a period of Four(4) weeks.

//TRUE COPY//

SD/-N.CHANDRA SHEKAR RAO
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. The Principal Senior Civil Judge, Kothagudem, Bhadradri-Kothagudem District
2. Bupathi Paidithalli, S/o. Late Muthyalu, Occ. Business, R/o. Behind SC Main Hospital, Relli Bazar, Kothagudem Town and Mandal, Bhadradri Kothagudem Dist. (By RPAD)
3. One CC to SRI GOPALA RAO AMANCHARLA V Advocate [OPUC]
4. One spare copy

HIGH COURT

JSR,J

DATED:15/09/2025

ORDER

**IA No.3 of 2025
In
CRP.No.3379 of 2025**

INTERIM STAY

