

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

FRIDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE RENUKA YARA

Civil Revision Petition Nos: 3568, 3569 & 3570 of 2024

Civil Revision Petition No: 3568 of 2024

Between:

1. N.Anitha, W/o. Sri N.Raja Reddy,
aged 55 years, R/o.1-8-107,
Bala Samudram, Hanamkonda,
Warangal.
2. N.Saroja, W/o.Sri N.Raja Reddy,
aged 54 years, R/o.1-9-1084,
Postal Colony, Hanamkonda,
Warangal. ...Petitioners 5 & 6/Defendants 5 & 6

AND

1. G.Chenna Kesavulu, (died per L.Rs.)
2. Smt. G.Chenchu Lakshmi, W/o.late Chenna Kesavulu,
Aged about 89 years, R/o.Plot No.18 Jubilee Hills, Hyderabad.
3. G.Yoganand, S/o.Chenna Keshavulu,
aged about 60 years, R/o.Plot No.18 Ashwini Heights,
Jubilee Hills, Road No.70 Hyderabad,
4. G.Sivaleelanand, S/o.late G.Chennakesavulu,
aged about 54 years, R/o.Flat No.106,
Vindhya Apartments, Ameerpet, Hyderabad.
5. M/s. K.L.N.R. Constructions,
a partnership firm Having its office at 7-1-455/2
and 455-3 Ameerpet, Hyderabad,
Rep. by its Managing Partner Sri K.Suresh.
6. Greater Hyderabad Municipal Corporation (GHMC),
Rep. by its Commissioner,
Tank Bund, Hyderabad. ... Respondents/Respondents/Plaintiffs/
D-7 & D-8/Petitioners
7. S.Viswanadham, S/o: Sri Mallaiah,
aged 47 years, R/o.Thirumalayapally Village,
Rayaparthi Mandal, Warangal
8. S.Ramesh, S/o.Sri Mallaiah,
aged 44 years R/o.12-13-397,
Tarnaka, Secunderabad.

9. M.Murali Mohan, S/o.Sri M.Satyanarayana,
aged 40 years, R/o.Flat No.202,
Manbhum Venky Apartments,
6-3-1090/A/10 Somajiguda, Hyderabad.
10. M.Krishna Mohan, S/o.Sri M. Satyanarayana,
aged 42 years, R/o.Flat No.202 Manbhum Venky Apartments,
6-3-1090/A/10, Somajiguda,
Hyderabad

(RR.6 to 10 are not necessary parties to this petition)

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 allow the present Revision, thereby setting aside the Order made in I.A.No.4 of 2015 in IA No. 34 of 2014 in OS No.3258/2005, dated 12.06.2011, on the file of the Principal Rent Controller cum XII Junior Civil Judge at Hyderabad.

IA NO: 2 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 stay all further proceedings in O.S.No.3258 of 2005 on the file of Principal Rent Controller cum XII Junior Civil Judge, City Civil Court, at Hyderabad.

Civil Revision Petition No: 3569 of 2024

Between:

1. N.Anitha, W/o. Sri N.Raja Reddy,
aged 55 years, R/o.1-8-107,
Bala Samudram, Hanamkonda,
Warangal.
2. N.Saroja, W/o.Sri N.Raja Reddy,
aged 54 years, R/o.1-9-1084,
Postal Colony, Hanamkonda,
Warangal.

...Petitioners /Defendants 5 & 6

AND

1. G.Chenna Kesavulu, (died per L.Rs.)
2. Smt. G.Chenchu Lakshmi, W/o.late Chenna Kesavulu,
Aged about 89 years, R/o.Plot No.18 Jubilee Hills, Hyderabad.
3. G.Yoganand, S/o.Chenna Keshavulu,
aged about 60 years, R/o.Plot No.18 Ashwini Heights,
Jubilee Hills, Road No.70 Hyderabad,
4. G.Sivaleelanand, S/o.late G.Chennakesavulu,
aged about 54 years, R/o.Flat No.106,
Vindhya Apartments, Ameerpet, Hyderabad.

5. M/s. K.L.N.R. Constructions,
a partnership firm Having its office at 7-1-455/2
and 455-3 Ameerpet, Hyderabad,
Rep. by its Managing Partner Sri K.Suresh.
6. Greater Hyderabad Municipal Corporation (GHMC),
Rep. by its Commissioner,
Tank Bund, Hyderabad.Respondents/Respondents/Plaintiffs/
D-7 & D-8
7. S.Viswanadham, S/o. Sri Mallaiah,
aged 47 years, R/o.Thirumalayapally Village,
Rayaparthy Mandal, Warangal
8. S.Ramesh, S/o.Sri Mallaiah,
aged 44 years R/o.12-13-397,
Tarnaka, Secunderabad.
9. M.Murali Mohan, S/o.Sri M.Satyanarayana,
aged 40 years, R/o.Flat No.202,
Manbhum Venky Apartments,
6-3-1090/A/10 Somajiguda, Hyderabad.
10. M.Krishna Mohan, S/o.Sri M. Satyanarayana,
aged 42 years, R/o.Flat No.202 Manbhum Venky Apartments,
6-3-1090/A/10, Somajiguda, Hyderabad
...Respondents/Petitioners/D-1 to 4

(RR.6 to 10 are not necessary parties to this petition)

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 allow the present Revision, thereby setting aside the Order dated 02/06/2014 in I.A.No.3 of 2015 in IA No. 35 of 2014 in OS No.3258/2005 passed by the Principal Rent Controller cum XII Junior Civil Judge, City Civil Court at Hyderabad.

IA NO: 2 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 stay all further proceedings in O.S.No.3258 of 2005 on the file of Principal Rent Controller cum XII Junior Civil Judge, City Civil Court, at Hyderabad.

Civil Revision Petition No: 3570 of 2024

Between:

1. N.Anitha, W/o. Sri N.Raja Reddy,
aged 55 years, R/o.1-8-107,
Bala Samudram, Hanamkonda, Warangal.

2. N.Saroja, W/o.Sri N.Raja Reddy,
aged 54 years, R/o.1-9-1084,
Postal Colony, Hanamkonda,
Warangal.

...Petitioners Defendants 5 & 6

AND

1. G.Chenna Kesavulu, (died per L.Rs.)
2. Smt. G.Chenchu Lakshmi, W/o.late Chenna Kesavulu,
Aged about 89 years, R/o.Plot No.18 Jubilee Hills, Hyderabad.
3. G.Yoganand, S/o.Chenna Keshavulu,
aged about 60 years, R/o.Plot No.18 Ashwini Heights,
Jubilee Hills, Road No.70 Hyderabad,
4. G.Sivaleelanand, S/o.late G.Chennakesavulu,
aged about 54 years, R/o.Flat No.106,
Vindhya Apartments, Ameerpet, Hyderabad.
5. M/s. K.L.N.R. Constructions,
a partnership firm Having its office at 7-1-455/2
and 455-3 Ameerpet, Hyderabad,
Rep. by its Managing Partner Sri K.Suresh.
6. Greater Hyderabad Municipal Corporation (GHMC),
Rep. by its Commissioner, Tank Bund, Hyderabad.
...Respondents/Respondents/Plaintiffs/
D-7 & D-8
7. S.Viswanadham, S/o. Sri Mallaiah,
aged 47 years, R/o.Thirumalayapally Village,
Rayaparthi Mandal, Warangal
8. S.Ramesh, S/o.Sri Mallaiah,
aged 44 years R/o.12-13-397,
Tarnaka, Secunderabad.
9. M.Murali Mohan, S/o.Sri M.Satyanarayana,
aged 40 years, R/o.Flat No.202,
Manbhumi Venky Apartments,
6-3-1090/A/10 Somajiguda, Hyderabad.
10. M.Krishna Mohan, S/o.Sri M. Satyanarayana,
aged 42 years, R/o.Flat No.202 Manbhumi Venky Apartments,
6-3-1090/A/10, Somajiguda, Hyderabad

...Respondent/Petitioners/D-1 to 4

(RR.6 to 10 are not necessary parties to this petition)

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 allow the present Revision, thereby setting aside the Order dated 02.06.2014 in I. A. No. 2 of 2015 in IA No. 33 of 2014 in OS No. 3254/2005 passed by the Principal Rent Controller cum XII Junior Civil Judge, City Civil Court at Hyderabad.

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 stay all further proceedings in O. S. No. 3258 of 2005 on the file of Principal Rent Controller cum XII Junior Civil Judge, City Civil Court, at Hyderabad.

For the Petitioners: Ms. T. Vanaja

For the Respondents: Sri D. Srinivas Prasad

The Court made the following: **COMMON ORDER**

THE HONOURABLE SMT. JUSTICE RENUKA YARA

CIVIL REVISION PETITION Nos.3568, 3569 and 3570 of 2024

COMMON ORDER:

Heard Ms. T. Vanaja, learned counsel for the revision petitioners and Ms. D. Shalini Sravanthi, learned counsel representing Sri D. Srinivas Prasad, learned counsel for respondent Nos.2 to 4.

2. The present civil revision petitions are filed by revision petitioners/defendant Nos.5 and 6 to set aside the common order dated 02.06.2015 passed in I.A.Nos.2 to 4 of 2015 in I.A.Nos.33 to 35 in O.S.No.3258 of 2005 on the file of the Principal Rent Controller-cum-12th Junior Civil Judge, Hyderabad ('trial Court'). The interlocutory applications under revision have been filed by petitioners/defendant Nos.1 to 6 under Order IX Rule 9 and Order XVIII Rule 17 read with Section 151 of CPC, to set aside the dismissal order dated 25.03.2015 passed in I.A.No.33 of 2014, which was filed to set aside order dated 27.11.2014, to set aside the dismissal order in I.A.No.34 of 2014, which was filed to re-open the evidence of P.W.1 for cross-examination and to set aside the order in I.A.No.35 of 2014, which was filed to re-call P.W.1 for the purpose of cross-examination by the petitioners/defendant Nos.1 to 6.

3. The brief facts of the case are that respondent Nos.1 to 4 herein/ plaintiffs have filed suit seeking perpetual and mandatory injunction to remove the illegal structures constructed by revision petitioners herein and other respondents/defendants in the suit schedule property consisting of premises bearing No.7-1-455/2 & 3 of plot Nos.19 and 20, admeasuring 604 sq. yards, situated at Ameerpet, Hyderabad. In the said suit, the suit stood for cross-examination of P.W.1 and the revision petitioners failed to cross-examine the witness leading to forfeiture of their right to cross-examine. Subsequently, the revision petitioners along with other defendants filed I.A.Nos.33 to 35 of 2014 to set aside forfeiture order, reopen and recall the evidence of P.W.1 for cross-examination. The said petitions were allowed subject to payment of costs of Rs.2,000/- and subject to cross-examination of P.W.1 on the next date of hearing i.e., 20.02.2015. The revision petitioners along with other defendants have complied with the first condition of payment of costs of Rs.2,000/-, but failed to cross-examine P.W.1 in spite of giving two more adjournments on 12.03.2015 and 25.03.2015, due to non-appearance of the counsel as well as the revision petitioners and other defendants. When P.W.1 was ready for cross-examination, due to non-compliance of the second condition, I.A.Nos.33 to 35 of 2014 were dismissed on 25.03.2015. Then, the I.As.

under revision were filed on 20.04.2015 to set aside the dismissal order dated 25.03.2015 in I.A.Nos.33 to 35 of 2014. The trial Court dismissed the I.As. under revision *vide* the impugned common order dated 02.06.2015. Thereafter, the suit proceedings continued and currently are at the stage of recording of defendants' evidence and at this stage, the present revision petitions are filed by the revision petitioners/defendant Nos.5 and 6 after a period of nearly nine years to set aside the common dismissal order dated 02.06.2015 in I.A.Nos.2 to 4 of 2015.

Contentions of the revision petitioners:

4. Learned counsel for the revision petitioners pleaded that the revision petitioners could not cross-examine P.W.1 and it is absolutely necessary to cross-examine P.W.1 for proper adjudication of the case. When questioned about the sequence of events that lead to filing of the present revision petitions i.e., whether there is any allegations about the trial Court being unfair in granting adjournments to enable the revision petitioners to cross-examine P.W.1, it is fairly conceded that opportunities were given to the revision petitioners, but at that point of time they could not cross-examine P.W.1 and currently, the matter is at the stage of recording of evidence of defendants and it is crucial to cross-examine P.W.1 on the evidence adduced by him. It is urged that the revision petitioners are aware of the

delay and therefore, requested this Court to give one more opportunity to cross-examine P.W.1.

Contentions of respondent Nos.1 to 4:

5. Learned counsel for respondent Nos.1 to 4 argued that the revision petitioners did not pursue the matter with due diligence and the same is evident in forfeiture of their right to cross-examine P.W.1 even after giving sufficient number of adjournments. After chief examination of P.W.1 and marking of documents on 27.10.2014, the matter was adjourned to 13.11.2014, 20.11.2014 and 27.11.2014 for cross-examination of P.W.1. On the said occasions, the witness was present and the revision petitioners have sought time as they were unprepared or the adjournments were granted due to their absence. In the circumstances, the right to cross-examine P.W.1 was forfeited on 27.11.2014. Thereafter I.A.Nos.33 to 35 of 2014 were filed, which were allowed subject to payment of costs and condition to cross-examine P.W.1 on the next date of hearing i.e., on 20.02.2015. Even so, the revision petitioners failed to cross-examine P.W.1 leading to dismissal of said I.As. for non-compliance. Further, it is emphasized that when the impugned common order was passed way back in the year 2015, the present revision petitions have been filed with a delay

of nearly nine years and the said civil revision petitions are not sustainable on merits.

Grounds of revision:

6. In grounds of revision, it is pleaded that the trial Court erred in dismissing I.A.Nos.33 to 35 of 2014, though the revision petitioners have complied a part of the said order and the trial Court did not consider the said aspect in the impugned common order. On the aforementioned grounds, the revision petitioners sought to allow the revision petitions by setting aside the impugned common order dated 02.06.2015.

Findings of the Court:

7. A perusal of the impugned common order shows that the trial Court has taken a detailed note of the proceedings in the suit starting from the date of filing of the chief examination of P.W.1 on 10.10.2014, his examination on 27.10.2014 and subsequent events leading to forfeiture of right to cross-examination on 27.11.2014 followed by filing of I.A.Nos.33 to 35 of 2014. The said I.As. were allowed on 10.02.2015 by imposing condition of payment of costs and to cross-examine P.W.1 on 20.02.2015. In spite of allowing the said petitions, the revision petitioners have paid costs on 20.02.2015, but failed to cross-examine P.W.1 on the ground of

agitation of bifurcation of separate High Court. Thereafter, on 12.03.2015 and 25.03.2015, P.W.1 was not cross-examined. Since the condition was not complied the said I.As. have been dismissed on 25.03.2015. Then, the revision petitioners and other defendants filed the I.As. under revision, which came to have been dismissed by way of the impugned common order dated 02.06.2015. The aforementioned sequence of events shows that the trial Court has afforded an opportunity to the revision petitioners to cross-examine P.W.1 from 27.11.2014 to 25.03.2015 i.e., for a period of more than 4 months.

8. Having failed to cross-examine P.W.1, revision petitioners herein have proceeded to lead their evidence having abandoned their agitation to cross-examine P.W.1. The revision petitioners have abandoned their claim to cross-examine P.W.1 for a period of more than nine years until the suit came to the advanced stage of arguments and then filed the present revision petitions. In view of the liberal adjournments given by the trial Court to cross-examine P.W.1, this Court sees no ground to give one more opportunity to the revision petitioners to cross-examine P.W.1, as the conduct of the revision petitioners seems more at protracting the proceedings by abusing the Court process. Hence, there are no merits in the present revision petitions and the same are liable to be dismissed.

9. In the result, the Civil Revision Petitions are dismissed by confirming the impugned common order dated 02.06.2015 passed by the trial Court. There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

6

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Rent Controller cum XII Junior Civil Judge, City Civil Court at Hyderabad
2. One CC to Ms. T Vanaja Advocate [OPUC]
3. One CC to Sri D.Srinivas Prasad, Advocate [OPUC]
4. Two CD Copies

10/06/2024

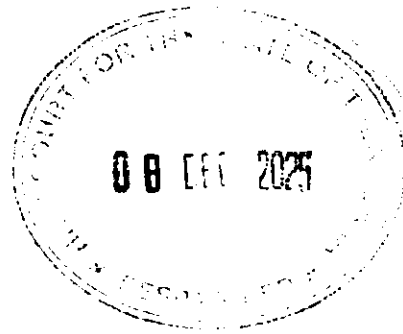
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HIGH COURT

DATED: 22/08/2025

COMMON ORDER

CIVIL REVISION PETITION Nos:
3568, 3569 & 3570 of 2024



REVISION PETITIONS ARE DISMISSED

GNT
10/11/25