

THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

WEDNESDAY, THE FIFTEENTH DAY OF OCTOBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SMT JUSTICE RENUKA YARA

IA No. 1 OF 2025

IN

CCCA NO: 172 OF 2025

Between:

1. Mr.N.Pandu, S/o. Late N.Chandraiah.
2. Smt. S.Yashoda, (Died as per LRs Appellant no. 3 to 7)
3. Smt. S.Vijay Laxmi, W/o. S.Narsimha (D/o. Late N.Chandraiah).
4. Smt. P.Bala Laxmi, W/o. Late P.Murli Kumar/ (D/o. Late N.Chandraiah).
5. Mr.S.Satyanarayana, (Died as per LRs 6 and 7)
6. Mr.S.Jagan, S/o. Late S.Satyanarayana.
7. Mr.S.Narsing Rao, S/o. Late S. Satyangayana.

...Petitioners/Appellants
(Appellants in CCCA 172 OF 2025
on the file of High Court)

AND

1. Mr.Naval Kishore Jhanwar, S/o. Late Sri Kesarimal Jhanwar, Aged about 42 years, Occ. Business, R/o. 4-4-121, Sultan Bazar, Hyderabad.
2. Mr.N.Arjun, S/o. Late N.Chandraiah, Aged about 64 years, Occ. Service, R/o. 3-16-108/4/42/1, Kamakshipuram, Venkatreddy Nagar, Ramanthapur, Hyderabad.
3. Mr.N.Yadagiri, S/o. N.Chandraiah, Aged about 59 years, Occ. Service, R/o. 16-2-147/56/C, Anand Nagar, Hyderabad.
4. S.Mallesha (Died),
(RR 2 to 4 are not necessary party to this appeal)

...Respondents/Respondents
(Respondents in-do-)

Counsel for the Petitioners : Sri SRIKANTH HARIHARAN

Counsel for the Respondents :

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 suspend the judgment and decree dated 27.06.2025 in O.S. No. 811 of 2012 on the file of the Chief

Judge, City Civil Court, At Hyderabad, pending disposal of CCCA No. 172 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

This application is filed to suspend the judgment and decree dated 27.06.2025 in O.S. No. 811 of 2012 on the file of learned II Additional Chief Judge, City Civil Court at Hyderabad.

Heard learned counsel for the petitioners/appellants.

The suit for specific performance filed in O.S. No. 811 of 2012 was decreed by the learned II Additional Chief Judge, City Civil Court, Hyderabad, *vide* judgment and decree dated 27.06.2025. The present appeal is preferred challenging the said judgment on the basis of the dismissal of the suit against defendant No.2 when he is having a share in the suit schedule property. Further, there is an issue of limitation which was raised in the written statement but was not considered while framing the issues and passing judgment dated 27.06.2025. It is also contended that the time is essence of the contract but the same was not considered. Lastly, to the legal notice got issued by the plaintiff/respondent No.1, a reply notice dated 26.08.2012 was issued informing that the agreement of sale stands cancelled and earnest money is forfeited and no relief is sought for declaring the said reply notice as *void*.

For all the foregoing reasons, the petitioners/appellants pleaded that they have good case for success in the appeal.

In view of the issues raised, there shall be interim suspension of the decree dated 27.06.2025 in O.S. No. 811 of 2012 on the file of learned II Additional Chief Judge, City Civil Court at Hyderabad, till 26.11.2025.

SD/-N.SRIHARI
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Chief Judge, City Civil Court. At Hyderabad. ✓
2. Mr.Naval Kishore Jhanwar, S/o. Late Sri Kesarimal Jhanwar, Aged about 42 years, Occ. Business, R/o. 4-4-121, Sultan Bazar, Hyderabad.(By RPAD) ✓
3. One CC to SRI. SRIKANTH HARIHARAN Advocate [OPUC]
4. One spare copy ✓

HIGH COURT

RY, J

DATED:15/10/2025

ORDER
I.A.No.1 of 2025
IN
CCCA.No.172 of 2025

INTERIM SUSPENSION

