

HIGH COURT FOR THE STATE OF TELANGANA: HYDERABAD

MAIN CASE NO: **Appeal Suit No.640 of 2025**

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
1.	18.12.2025	<u>RY,J</u> <u>I.A.No.1 of 2025</u> 1. Heard learned counsel for the petitioner/appellant. 2. This application is filed by the petitioner herein/third party seeking leave of this Court to file the present appeal. 3. The appeal is filed by the petitioner/appellant/third party, who sought to implead himself in O.S.No.18 of 2015 on the file of the Additional District Judge at Godavarikhani ('trial Court'), which was filed by respondent No.1 herein in the year 2015 seeking specific performance of contract dated 04.05.2006 with respect to suit schedule A to C properties against respondent Nos.2 to 13 herein. 4. During pendency of the said suit when the matter was at the stage of arguments, the petitioner herein filed a petition <i>vide</i> I.A.No.25 of 2025 in	Transferred to Daily order/I/O folder before correction.

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		O.S.No.18 of 2025 to implead him as defendant No.13 claiming to have interest in suit schedule C property. According to the petitioner herein, he has purchased suit schedule C property from the vendor of respondent No.1 under a registered sale deed, whereas respondent No.1 is claiming interest in the suit schedule A to C properties on the basis of agreement of sale-cum-General Power of Attorney. It is the case of petitioner that no title or right is transferred under agreement of sale-cum-General Power of Attorney and therefore, his rights over the suit schedule C property are superior to that of respondent No.1. 5. The said implead petition was dismissed by the trial Court holding that the petition is filed at belated stage and that respondent No.1 being <i>dominus litis</i> is a party who decides against whom the suit is to be prosecuted. Aggrieved by the said dismissal, the petitioner filed C.R.P.No.3004 of 2025. However, when the said C.R.P. came up for adjudication on 10.10.2025 learned counsel for respondent No.1 reported that the suit in O.S.No.18 of 2015 was decreed on	

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		06.10.2025 and therefore, the cause did not legally survive and the C.R.P. was dismissed as infructuous. 6. Currently, on account of involvement substantial rights of the petitioner in suit schedule C property, the petitioner needs to challenge the decree passed in favour of respondent No.1 in O.S.No.18 of 2015 to the extent of suit schedule C property. 7. In view of forgoing discussion and facts and circumstances stated this application is allowed granting leave to the petitioner for filing the present appeal. <u>I.A.No.2 of 2025</u> 1. Heard learned counsel for the petitioner/appellant. 2. The appeal is filed by the petitioner/appellant/third party, who sought to implead himself in O.S.No.18 of 2015 on the file of the Additional District Judge at Godavarikhani ('trial Court'), which was filed by respondent No.1 herein in the year 2015 seeking specific performance of contract dated 04.05.2006	

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		with respect to suit schedule A to C properties against respondent Nos.2 to 13 herein. 3. During pendency of the said suit when the matter was at the stage of arguments, the petitioner herein filed a petition <i>vide</i> I.A.No.25 of 2025 in O.S.No.18 of 2025 to implead him as defendant No.13 claiming to have interest in suit schedule C property. According to the petitioner herein, he has purchased suit schedule C property from the vendor of respondent No.1 under a registered sale deed, whereas respondent No.1 is claiming interest in the suit schedule A to C properties on the basis of agreement of sale-cum-General Power of Attorney. It is the case of petitioner that no title or right is transferred under agreement of sale-cum-General Power of Attorney and therefore, his rights over the suit schedule C property are superior to that of respondent No.1. 4. The said implead petition was dismissed by the trial Court holding that the petition is filed at belated stage and that respondent No.1 being <i>dominus litis</i>	

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		is a party who decides against whom the suit is to be prosecuted. Aggrieved by the said dismissal, the petitioner filed C.R.P.No.3004 of 2025. However, when the said C.R.P. came up for adjudication on 10.10.2025 learned counsel for respondent No.1 reported that the suit in O.S.No.18 of 2015 was decreed on 06.10.2025 and therefore, the cause did not legally survive and the C.R.P. was dismissed as infructuous. 5. Once the suit is decreed, respondent No.1 is likely to proceed with E.P. for registration of sale deed through Court process within 90 days of passing of the decree dated 06.10.2025. In case, the operation of the decree is not stayed the substantial rights of the petitioner would be in jeopardy with respect to suit schedule C property. Therefore, the present application is filed seeking stay of all further proceedings in respect to O.S.No.18 of 2015. 6. In view of the facts and circumstances stated there shall be stay of operation of decree dated 06.10.2025 passed by the trial Court in O.S.No.18 of	

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		2015 to the extent of suit schedule C property, till the next date of hearing. 7. Issue notice to respondents. 8. Personal notice is permitted. 9. For filing proof of service, list on 12.02.2026. <u>A.S.No.640 of 2025</u> List on 12.02.2026. _____ RY,J GVR	