

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: C.R.P. No. 4657 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
01.	24.12.2025	<u>RY, J</u> <u>I.A. No.1 of 2025</u> This application is filed seeking to grant stay of all further proceedings O.S.No.586 of 2019 on the file of the XXV Additional Chief Judge, City Civil Court, Hyderabad ('Trial Court'). Heard learned counsel for the petitioners. This Civil Revision Petition is filed aggrieved by the order dated 17.11.2025 in Memo (SR) No.4139 of 2025 in I.A.No.232 of 2020 in O.S.No.586 of 2019 on the file of the Trial Court, rejecting the third party security furnished in compliance with the order dated 17.03.2025 in I.A.No.232 of 2020. The background facts leading to the filing of the Civil Revision Petition are that the respondent/plaintiff filed a summary suit for recovery of money from the petitioners/defendants for an amount of Rs.1,40,00,000/- with interest at 24% per annum. Upon receiving the notice, the petitioners herein filed a petition seeking leave to defend the suit <i>vide</i> I.A.No.232 of 2020 and the same was allowed passing the following order: <i>"In the result, the petition is allowed granting leave to defend, however subject to condition that defendants No.1 and 2 shall furnish 3rd party security towards the total suit amount with costs within two months from today along with written statement of defendants No.1 and 2 and also subject to condition that defendant No.1 and 2 do not seek for any adjournment from their side during trial of the suit."</i> (verbatim reproduced)	

		In order to comply with the above order, the petitioners herein furnished third party affidavit of their sister by name Roopa Naik, whose assets are worth more than Rs.11,14,98,500/-. When said affidavit and the net-worth statement were filed, the Trial Court passed the impugned order in Memo (SR) No. 4139 of 2025 rejecting the affidavit and the net-worth statement with a direction to furnish bank security. Learned counsel for the petitioners submitted that the Trial Court has ordered to furnish third party security, but not a third party surety/guarantor <i>vide</i> order in I.A.No.232 of 2020 and when the same was furnished the Trial Court has modified its own order by directing the petitioners to furnish the bank guarantee. It is submitted that there is a mistaken finding given about the proceedings in I.A. No. 232 of 2020 being adjudicated under Order XXXVIII Rule 5 of the CPC when the proceedings were actually summary proceedings under Order 37 of CPC. In view of the foregoing objections raised, there shall be interim stay of all further proceedings O.S.No.586 of 2019 on the file of the XXV Additional Chief Judge, City Civil Court, Hyderabad, till 21.01.2026. <u>C.R.P. No. 4657 of 2025</u> Issue notice to the respondent. Personal notice is permitted. For filing proof of service, list on 21.01.2026. RY,J gms/bj	
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