

[3257]

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

WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

IA No. 1 OF 2025 IN CRP NO: 4695 OF 2025

AND

IA No. 1 OF 2025 IN CRP NO: 4699 OF 2025

IA No. 1 OF 2025 IN CRP NO: 4695 OF 2025:

Between:

1. Chapala Lingaiah (since died) his LRs
2. Chapala Anjamma, W/o Late Lingaiah
3. Chapala Santosh Kumar Yadav, S/o Late Lingaiah
4. Chapala Praveen Kumar Yadav, S/o Late Lingaiah
5. Chapala @ Kanneboina Mallamma @ Mallika, D/o Late Lingaiah (W/o Saidulu),
6. Chapala @ Vallapu Hymavathi, D/o Late Lingaiah (W/o Balaraju)
7. Chapala @ Vootkuru Madhavai, D/o Late Lingaiah (W/o Venkanna)
8. Chapala @ Yeshaboina Mallamma @ Malleshari, D/o Late Lingaiah (W/o Lingaiah)
9. Chapala Komaramma, W/o Late Lingaiah

**...Petitioners/Petitioners/Defendants No.2 to 9
(Petitioners in CRP 4695 OF 2025
on the file of High Court)**

AND

Koneti Thammaiah, S/o Bayyanna, Aged 56 years, Occ .Agriculture, R/o Parada Village of Kattangur Mandal, Nalgonda District.

**...Respondent/Respondent/Plaintiff
(Respondent in-do-)**

Counsel for the Petitioners :M/s BETHAMACHARLA SAI HARITHA

Counsel for the Respondent :

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 OS No. 411 of 2025, pending disposal of CRP No. 4695 of 2025, on the file of the High Court.

IA No. 1 OF 2025 IN CRP NO: 4699 OF 2025:**Between:**

1. Chapala Anjamma, W/o Late Lingaiah
2. Chapala Santosh Kumar Yadav, S/o Late Lingaiah
3. Chapala Praveen Kumar Yadav, S/o Late Lingaiah
4. Chapala @ Kanneboina Mallamma @ Mallika, D/o Late Lingaiah (W/o Saidulu),
5. Chapala @ Vallapu Hymavathi, D/o Late Lingaiah (W/o Balaraju)
6. Chapala @ Vootkuru Madhavai, D/o Late Lingaiah (W/o Venkanna)
7. Chapala @ Yeshaboina Mallamma @ Malleshari, D/o Late Lingaiah (W/o Lingaiah)
8. Chapala Komaramma, W/o Late Lingaiah

**...Petitioners/Petitioners/Defendants No.2 to 9
(Petitioners in CRP 4699 OF 2025
on the file of High Court)**

AND

Koneti Thammaiah, S/o Bayyanna, Aged 56 years, Occ .Agriculture, R/o Parada Village of Kattangur Mandal, Nalgonda District.

**...Respondent/Respondent/Plaintiff
(Respondent in-do-)**

Counsel for the Petitioners :M/s BETHAMACHARLA SAI HARITHA

Counsel for the Respondent :

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 OS No. 411 of 2025 pending on the file of Principal Senior Civil Judge, At Nalgonda, pending disposal of CRP No. 4699 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 (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

This application is filed by the petitioners-defendant Nos.2 to 9 seeking to grant stay of all further proceedings in O.S.No.411 of 2025 pending on the file of the learned Principal Senior Civil Judge at Nalgonda (for short 'trial Court'), pending disposal of the main revisions.

Heard learned counsel appearing for the petitioners and perused the record.

Learned counsel for the petitioners submits that the respondent-plaintiff filed a civil suit in O.S.No.411 of 2025 seeking perpetual injunction and declaration against the petitioners-defendants. During the pendency of the said suit, the petitioners filed an original agreement of sale, dated 28.06.2010, executed by one R.Pichaiah, along with the proceedings of the Revenue Divisional Officer, Nalgonda, and the same were placed on record. However, during the course of the petitioners' evidence, the said documents could not be marked. Since these documents are essential for proper and effective adjudication of the matter, the petitioners filed applications to recall DW1 and to reopen the evidence on behalf of the defendants. However, the same were dismissed by the trial Court, holding that the agreement of sale is inadmissible in evidence as it is an unregistered document, though stamp duty has been paid.

Learned counsel for the petitioners submits that the trial Court erred in dismissing the applications filed by the petitioners. The trial Court failed to appreciate the fact that the original agreement of sale, dated 01.12.1999 (wrongly mentioned in the petition as 28.06.2010) was already marked as Ex.R1 in I.A.No.274 of 2010 in O.S.No.95 of 2010 (re-numbered as O.S.No.411 of 2025). The said document is completely related to the suit schedule property and the same is very much essential for proper adjudication of the main suit.

In support of his contention, learned counsel for the petitioners relied on the judgment of the Hon'ble Supreme Court in *Bondar Singh v. Nihal Singh* [(2003) 4 SCC 161], wherein, it is held that "under the law, a sale deed is required to be properly stamped and registered before it can convey title to the vendee. However, legal position is clear law that a document like the sale deed in the present case, even though not admissible in evidence, can be looked into for collateral purposes."

Hence, he prayed to grant stay of all further proceedings.

The submissions made by the learned counsel for the petitioners do require detailed examination.

However, there shall be stay of all further proceedings in O.S.No.411 of 2025 pending on the file of the learned Principal Senior Civil Judge at Nalgonda, till 30.01.2026.

SD/ S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Senior Civil Judge at Nalgonda.
2. Koneti Thammalah, S/o Bayyanna, Aged 56 years, Occ .Agriculture, R/o Parada Village of Kattangur Mandal, Nalgonda District. (By SPAD)
3. One CC to M/s BETHAMACHARLA SAI HARITHA, Advocate [OPUC]
4. One spare copy

HIGH COURT

JS, J

DATED:31/12/2025

NOTE: LIST BOTH THE MATTERS
ON 30.01.2026.

ORDER

IA No. 1 OF 2025 IN CRP NO: 4695 OF 2025
AND
IA No. 1 OF 2025 IN CRP NO: 4699 OF 2025

INTERIM DIRECTION

