

1

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WEDNESDAY, THE FIRST DAY OF AUGUST,
TWO THOUSAND AND EIGHTEEN

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S. SOMAYAJULU

I.A. Nos. 1, 2 and 3 of 2017
(ASMP. Nos. 2656, 2657 and 2658 of 2017)
IN

AS.No.1066 of 2017

Between:

Smt Boppana Rani, W/o. Kesavanand.

...Petitioner/Appellant in IA. Nos 1, 2 & 3 of 2018
(Appellant in A.S.No. 1066 of 2017
on the file of High Court)

AND

1. Kalanchi Vasantha, W/o. Kalanchi Ashok, R/o. Plot No. 117,
Sainathpuram, Neredmet, Malkajgiri Mandal, Ranga Reddy District.
..Respondent /Plaintiff.
2. Salveru Krishna, S/o. Late Salvru Chittariah, R/o Flat No. 101,
S.S.Towers, Kamalanagar, Kapra, ECIL, Ranga Reddy District
3. Salveru Naga Raju, s/o. Salveru Chittariah, R/o H.No. 3051, Ahmed
Guda, Keesara Mandal, Ranga Reddy District
4. Salveru Raghu Ram, S/o. Late Salveru Chittariah, Occ: Physically and
Mentally handicapped, R/o Sai Nathpuram, Malkajgiri Mandal, Ranga
Reddy District
5. Kaleru Vijaya Lakshmi, W/o. K. Naga Bhoshanam, R/o H.No. 2-3-
64/1/A, Prem Nagar, Amberpet, Hyderabad
6. Salveru Shakuntala, W/o. Late Salveru Chittariah, R/o Ahmed guda,
Keesara Mandal, Ranga Reddy District
7. Salveru Nagesh, S/o. Late Salveru Jaggaannadham
8. Salveru Venu, S/o. Late Salveru Jaggaannadham
9. Salveru Lingam, W/o. Salveru Jaggaannadham
10. Salveru Shekhar, s/o. Salveru Jaggaannadham
(Defendants 6 to 10 are R/o Kundanpalli Village, Keesara Mandal, Ranga
Reddy District
11. Mallesh Yadav, S/o. Late Bandari Yadaiah, R/o H. No. 3-99/2, Nagaram
Village, Keesara Mandal, Ranga Reddy District
12. Bandari Padmamma, D/o. Late Bandari Yadaiah, R/o H.No. 3-99/2,
Nagaram Village, Keesara Mandal, Ranga Reddy District
13. Sabbaneni Prakash, S/o. Sabbaneni Anthaiah, R/o 112-1-1368,
Shanthinagar, North Lalaguda, Secunderabad
14. Mandava Venkateshwara Rao, S/o. Basavaiah, R/o Moulali, Ranga
Reddy District
15. Smt D. Veena Anand, W/o. Dr. Vija Anand, R/o Nagaram Village,
Keesara Mandal, Ranga Reddy District
16. Paravatham Vasudeva Rao, S/o. Chalapathi Rao, R/o 12-1-1250,
Shanthinagar, Secunderabad
(Respondent Nos. 2 to 15 are not necessary parties)

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

IA. No. 1 of 2017 (ASMP. No. 2656 of 2017): Petition under Section 5 of Limitation Act, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to condone the delay of 2413 days in filing the First Appeal, pending AS. No. 1066 of 2017 presented to the High Court against the Order of the Court of the I Addl. District Judge, R.R. District at L.B. Nagar, Hyderabad, passed in O.S. No. 151 of 2004, dated 19-11-2010.

2

IA. No. 2 of 2017 (ASMP. No. 2657 of 2017): Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to grant leave to the Petitioner/Appellant to challenge the Judgment and Preliminary Decree dated 19-11-2010 passed in O.S. No. 151 of 2004 on the file of the Court of the I Additional District Judge, Ranga Reddy District at L.B. Nagar, Hyderabad, pending disposal of AS. NO. 1066 of 2017 on the file of High Court.

IA. No. 3 of 2017 (ASMP. No. 2658 of 2017): Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to suspend the Judgment and Preliminary Decree dated 19-11-2010 passed in O.S. No. 151 of 2004 on the file of the Court of the I Additional District Judge, Ranga Reddy District at L.B.Nagar, Hyderabad, pending disposal of AS. NO. 1066 of 2017 on the file of High Court.

The petition coming on for hearing, upon perusing the Petition and affidavit filed herein, and order of High Court dated 20-06-2018 made in IA. No. 1 of 2018 and upon hearing the arguments of Sri Gaddam Srinivas, Advocate for the Petitioner, the Court made the following

ORDER:

I.A.No.1 of 2017 is filed to condone the delay of 2413 days in filing the appeal. I.A.No.2 of 2017 is filed seeking leave to challenge the judgment and preliminary decree dated 19.11.2010. I.A.No.3 of 2017 is filed to suspend the judgment and preliminary decree dated 19.11.2010 in O.S.No.151 of 2014.

As far as the application for condonation of delay is concerned, learned counsel for the petitioner submits that he represents a purchaser of the property pendente lite and that he had no knowledge about the suit pending between his vendor (plaintiff) and others. He also submits that he came to know about the impugned judgment and preliminary decree in the first week of June, 2017 when the plaintiff sought to interfere with his possession. He further submits that he is taking steps to implead himself in the final decree proceedings which are pending in the lower Court. Therefore, he prays that the petitioner may be granted leave to contest the preliminary decree passed by the lower Court by raising factual and legal issues.

Hence, I.A.No.1 of 2017 is allowed and the delay of 2413 days in filing the appeal is condoned.

Similarly, for the same reasons as mentioned above, I.A.No.2 of 2017 is allowed and the petitioner is granted leave to challenge the judgment and preliminary decree.

As far as I.A.No.3 of 2017 is concerned, the petitioner wants a blanket stay of all further proceedings in O.S.No.151 of 2004 on the file of the I Additional District Judge, Ranga Reddy at L.B.Nagar. This Court is of the opinion that stay of all proceedings cannot be granted nor can the judgment be suspended in its entirety. Therefore, all other proceedings can continue and only passing of the final decree is stayed.

This Court also notes the submission of the learned counsel for the petitioner that the petitioner is seeking to implead in the final decree proceedings. Therefore, the lower Court is directed to consider and dispose of the said application, as and when it is filed, on its own merits without being influenced by what is mentioned in the impugned order.

SD/- A. SARASWATHI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The I Additional District Judge, Ranga Reddy District at L.B. Nagar, Hyderabad.
2. Kalanchi Vasantha, W/o. Kalanchi Ashok, R/o. Plot No. 117, Sainathpuram, Neredmet, Malkajgiri Mandal, Ranga Reddy District.
3. Paravatham Vasudeva Rao, S/o. Chalapathi Rao, R/o 12-1-1250, Shanthinagar, Secunderabad (**Addressee Nos 2 and 3 by RPAD**)
4. One CC to Sri Gaddam Srinivas, Advocate (OPUC)
5. One spare copy.

Skm

HIGH COURT

DVSS.J

DATE: 01-08-2018

ORDER

I.A. Nos. 1, 2 and 3 of 2017
(ASMP. Nos. 2656, 2657 and 2658 of 2017)
IN
AS.No.1066 of 2017



DIRECTION