
(2022) 12 TEL CK 0037

High Court For The State Of Telangana:: At Hyderabad

Case No: Civil Revision Petition Nos. 2904, 2921 Of 2022

M.Naveenand Another

APPELLANT

Vs

S.Indira And Another

RESPONDENT

Date of Decision: Dec. 14, 2022

Acts Referred:

- Code Of Civil Procedure, 1908 - Section 151, Order 9 Rule 7

Hon'ble Judges: A.Venkateshwara Reddy, J

Bench: Single Bench

Advocate: Sujith Jaiswal, S R Deshmukh

Final Decision: Disposed Of

Judgement

1. Civil Revision Petition No.2904 of 2022 is filed by the petitioners/defendants assailing the order dated 05.09.2022 in I.A.No.798 of 2022 in

O.S.No.66 of 2022 wherein the application filed under Order 9, Rule 7 read with Section 151 of Civil Procedure Code (for short "CPC") filed by

the petitioners/plaintiffs was dismissed by learned I Senior Civil Judge, City Civil Court, Hyderabad. Similarly, Civil Revision Petition No.2921 of 2022

is filed by the petitioners/defendants assailing the order dated 05.09.2022 in I.A.No.865 of 2022 in I.A.No.696 of 2022 in O.S.No.147 of 2022 wherein

the application filed by the petitioners/respondents/defendants under Order 9, Rule 7 read with Section 151 of CPC was dismissed by the trial Court.

2. Since both the applications in I.A.Nos.865 of 2022 and I.A.No.798 of 2022 in O.S.Nos.147 of 2022 and 66 of 2022 respectively are filed by the

same parties on identical facts it is proposed to dispose of both these civil revision petitions together as under.

3. Heard learned counsel for the revision petitioners. The submissions made by him have received due consideration of this Court. Perused the record.

4. Be it stated that altogether there were three suits between the parties. O.S.Nos.3285 of 2019 and 3286 of 2019 were pending on the file of learned

III Junior Civil Judge, City Civil Court, Hyderabad and O.S.No.640 of 2019 is pending on the file of the learned I Senior Civil Judge, City Civil Court,

Hyderabad. As per the orders in Transfer O.P.Nos.48 of 2021 and 49 of 2021 both the suits in O.S.Nos.3285 of 2019 and 3286 of 2019 were

transferred from the file of the learned III Junior Civil Judge, City Civil Court, Hyderabad to the file of the I Senior Civil Judge, City Civil Court,

Hyderabad to be tried along with O.S.No.640 of 2019. After transfer, both the suits were renumbered as O.S.No.66 of 2022 (corresponding old

O.S.No.3285 of 2019) and O.S.No.147 of 2022 (corresponding old O.S.No.3286 of 2019).

5. It appears that after these suits were renumbered on the file of the learned I Senior Civil Judge, the present applications are filed under Order 9,

Rule 7 of CPC by the defendants to set aside the ex-parte order dated 23.08.2021 passed against them and to permit them to file their written

statement. Learned I Senior Civil Judge has dismissed both these applications with an observation that when both the suits were pending on the file of

learned III Junior Civil Judge, City Civil Court, Hyderabad, sufficient opportunity was given to the defendants and inspite of granting more than one

year and seven months time they have failed to file the written statement and ultimately, learned III Additional Junior Civil Judge has forfeited their

right to file written statement and that there are no merits in these applications.

6. Having regard to the nature of the suits, since rights of the parties in respect of immovable properties are involved and that the landlord is also

claiming arrears of rents and it is mentioned in the order impugned that the tenants are liable to pay the arrears of rents of Rs.5,29,000/- and also

considering the submission of the learned counsel for the plaintiffs that they have no objection for allowing these applications with a direction to the

trial Court for expeditious disposal of all the three suits within a fixed timeframe, this Court is inclined to accept the prayer of the petitioners.

7. Therefore, in the above circumstances, considering the submissions made on either side, the orders impugned dated 05.09.2022 in I.A.Nos.798 of

2022 in O.S.No.66 of 2022 and I.A.No.865 of 2022 in I.A.No.696 of 2022 in O.S.No.147 of 2022 both on the file of the I Senior Civil Judge, City Civil

Court, Hyderabad are hereby set aside subject to the condition that the petitioners/defendants shall file their written statements in O.S.Nos.66 of 2022

and 147 of 2022 on or before 28.12.2022 and on such filing of the written statements by the defendants in these two suits, the learned Judge of the

trial Court shall make every endeavour to dispose of these two suits along with O.S.No.640 of 2019 pending on the file of that Court within a fixed

timeframe preferably within nine months from the date of receipt of copy of the order. It is needless to mention that in default of filing the written

statement by the defendants in O.S.Nos.66 of 2022 and 147 of 2022, on or before 28.12.2022 both the civil revision petitions stands dismissed and the

defendants are not entitled to avail the benefit of these orders.

8. With the above directions both Civil Revision Petition Nos.2904 of 2022 and 2921 of 2022 are disposed of. However, in the circumstances of the

case, there shall be no order as to the costs.

As a sequel, miscellaneous applications, if any pending, shall stands closed.