IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
For the State of Telangana and the State of Andhra Pradesh

Cross Objections No. of 2016
In
A.S. No. 164 of 2016

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Hyderabad

Dt: 12-07-2016

Counsel for the Cross Objector

(2)

MEMORANDUM OF CROSS APPEAL
Filed under Rule 22(1) of Order XLI of C.P.C.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT: HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH.

CROSS OBJ. APPEAL.NO. OF 2016

IN

AS No. 164 OF 2016

BETWEEN:

1. SRI.UPPALA SRIDHAR, S/O NARSAIAH, Aged about 40 years, Occupation: Business, R/o H.No.10-22, Gajwel Village and Mandal, Medak District, Telangana.

2. SRI.JEEDIPALLY RAM REDDY, S/O NARAYANA REDDY, Aged about 63 years, Occ: Business, R/o H.No.3-49, Thurkapally Village, Shameerpet Mandal, Ranga Reddy District.

3. SRI.AAKULA KRISHNA MURTHY, S/O LATE.VITTAL, Aged about 47 years, Occ: Business, R/o Plot No. 180/A, Old Vasavi Nagar, Karkhana, Secunderabad.

4. SRI.B.SATYANARAYANA, S/O NARSAIAH, Aged about 59 years, Occupation: business. R/o Thurkapally Village, Shameerpet Mandal, RR. District.

5. G.SANJEEVA, S/O KISHTAIAH, Aged about 58 Years, Occupation: Business, R/o Thurkapally Village, Shameerpet Mandal, RR. District.

.....Cross Appellants / Respondents /Defendants

And

SMT.V.DHANA LAKSHMI, W/O V.RAJ KUMAR, Aged about 48 years, Occ: Household, Residing At H.No.24-88/6/5/1A, Anand Bagh, Malkajgiri, Hyderabad.

.... Respondent/Appellant/Plaintiff

I. **ADDRESS OF THE APPELLANTS**: The address of the appellant is for the purpose of service of all notices and processes etc is as given above in the cause title and that of their counsels M/s., M.V.Raj Kumar Gabriel (8290), G. Sampada, Advocates, 63-B, Bansilalpet, Secunderabad-3.

II. **ADDRESS OF THE RESPONDENTS**: The address of the Respondents is for the purpose of service of notices, processes and etc is as given above in the cause title.

That the above named appellants beg to present this memorandum of Cross Objections/Appeal being aggrieved by the decree and judgment Dated. 27th April, 2015 passed in O.S.No.710 of 2010, by the Hon'ble X Addl. District Judge, (FTC) Ranga Reddy District, at L.B. Nagar. Notice in the above appeal was received on 8-3-16

1. That the Respondent herein filed the above suit for recover of money from the Appellants herein, which arose out of Agreement of Sale executed between the parties herein.

2. The gist of the case of the plaintiff in the court below is that she entered into an agreement of sale with the Appellants/defendants dated: 28-12-2006, subsequently as the sale transaction was not completed the schedule property covered under the said agreement of sale, was not alienated. Thereafter, after exchanges of legal notices and replies, a suit for recovery of money was filed against the Appellants herein, during the month of November, 2010.

3. That the Appellants herein on receipt of court notices, filed their written statement and as the suit for recovery of money based upon agreement of sale dated:28-12-2006, apart from taking other pleas. It was also prayed for dismissal of suit as the same was filed after limitation period.

4. The suit went for trial and the plaintiffs herself was examined as PW.1 and her husband was examined as PW.2 and in support of their contentions in all Ex.A1 to A9 were marked and on behalf of defendants, defendant No.5 was examined as DW.1 and Ex.B1 to B5 were marked on their behalf. Subsequently, the court below was pleased to passed judgment and decree and the suit was decreed for a sum of Rs.12,18,000/- with interest 12% per annum on the said amount from the date of the suit till the date of realization.

5. That the court below since passed the Judgment and decree erroneously, the present Cross Appeal is filed before this Hon'ble court. In so far as the Respondent herein i.e. plaintiff in the main suit, already filed an appeal vide AS.No.164 of 2016 on the file of this Hon'ble court aggrieved by the Judgment and Decree passed in the above suit and the same is pending disposal before this Hon'ble court.

GROUNDS OF CROSS APPEAL

1. That the court below, erroneously passed the Judgment and Decree in OS.No.710 of 2010 and under which the suit was decreed for a sum of Rs.12,18,000/- with interest 12% per annum on the said amount from the date of the suit till the date of realization.

2. That the court below has not properly appreciated with regard to the limitation in filing of the suit is not proper and correct. That the Hon'ble court observed that the Appellants herein refused to perform their part of the agreement, after receipt of Ex.A3 which is dated: 13-07-2009 and hence the suit is filed within three years from the said date and held that the suit claim is within the limitation, though the suit was not filed within three years from the date of Ex.A1 Agreement from where the limitation starts.

3. That the court below at the same time failed to appreciate or discuss the consistent stand taken by the Appellants herein with regard to the limitation aspect and so also did not look into the Ex.B1 to B3 documents, which has substantial bearing on the case.

4. That the court below failed to appreciate, when the fact remains that the Appellants having received the legal notice dated: 27-04-2009 from the Respondent herein, gave elaborate suitable reply dated: 29-05-2009 under Ex.B1, denying all the contentions of Respondent, which was duly acknowledged by her.

5. That the court below failed to look into the documentary evidence, even though there is no proof of service of notice issued under Ex.A3, which is much later to the reply issued under Ex.B1, but however held that in view of Ex.A3, the suit is filed within the limitation period.

7. Thus the present appeal is filed in so far as the Judgment, which is partly decreed, even though the Respondent could not establish and prove her case and discharge initial burden.

8. That the other grounds would be urged at the time of arguments.

9. The Cross Appeal has to be preferred within 30 days from the date of receipt of the notice in AS.No.164 of 2016. As there is a delay in filing the Cross Appeal a separate application U/S. 5 of Limitation Act is filed along with the Appeal.

10. That the court below, passed decree and judgment for Rs.12,18,000/- with 12% interest per annum, from the date of suit to till realization, for which the present appeal is filed and thus the Appellants are herewith filing a court fee of Rs._____ under section 34(b) of APCF & SV act, which is proper and sufficient.

VALUE OF THE APPEAL

Lower Court Decreed Amount	Rs. 12,18,000-00
Interest 12% p.a. From 12.11.2010 to 12.7.2016 i.e. 5 years 8 months	Rs. 8,28,240-00
Total	Rs. 20,46,240-00
Court Fee paid U/s 34(b) of APCF & SV act Which is sufficient	Rs. 22,926-00

That the Appellants therefore prayed that this Hon'ble court may be pleased to allow the Cross Appeal by setting aside the Judgment and decree dated: 27th April, 2015 passed in OS.No.710 of 2010, by the Hon'ble X Addl. District Judge, (FTC) Ranga Reddy District, at L.B. Nagar, to an extent of suit decreed for a sum of Rs.12,18,000/- with interest 12% per annum on the said amount from the date of the suit till the date of realization, without touching the rest of the decree and judgment passed in the above suit and pass such other relief or reliefs as this Hon'ble court deems fit and proper under the circumstances of the case and in the interest of Justice.

Place: Hyderabad.
Date: - 07-2016

Counsel for Cross Appellants

RANGA REDDY DISTRICT

HIGH COURT AT HYDERABAD

Cross Appeal.NO. of 2016

IN

AS No. 164 OF 2016

Against

O.S.NO. 710 OF 2010
IN THE COURT OF THE HON'BLE
X ADDL. DISTRICT JUDGE (FTC)
RANGA REDDY DISTRICT, AT:
L.B.NAGAR

Cross Appeal 8036/16

1) Date of Served on ~~date~~ is to be mentioned in Grounds for calculation of delay.

2) Please clarify state as to how the suspension petition is entertainable.

8036

CF 22926/-

HIGH COURT OF JUDICATURE AT HYDERABAD JUDICIAL SCRUTINY SECTION
01 AUG 2016
RETURNED ON
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

HIGH COURT OF JUDICATURE AT HYDERABAD JUDICIAL SCRUTINY SECTION
12 JUL 2016
RECEIVED ON
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

MEMORANDUM OF GROUNDS

1. Complied with

5/8/16

2. As there is no stay against the Judgement and Decree the Present Petition is filed for Suspension of the Same Hence This Petition is Maintainable.

HIGH COURT OF JUDICATURE AT HYDERABAD JUDICIAL SCRUTINY SECTION
-5 AUG 2016
RECEIVED ON
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Filed on: -07-2016.

MPK

Filed by:

M/S. M.V.RAJ KUMAR GABRIEL (8290)
ADVOCATE
COUNSEL FOR CROSS APPELLANTS

High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh
1) Date of presentation: 12/7/16
2) Number of Appeal filed: 14
3) Court Fee Paid: Rs. 22,926/-
4) Date of Return:

(6)

MEMORANDAM OF APPEAL FILED UNDER ORDER 41 RULE 1 R/W SECTION 96 OF C.P.C

IN THE HIGH COURT OF JUDICATURE OF HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDRA PRADESH

A.S.No. 164 OF 2015

BETWEEN:

Smt. V.Dhana Laxmi, W/o V.Raj Kumar,
Aged about 47years, Occ: House hold,
R/o H.No.27-88/6/5/1A,
Anand Bagh, Malkajgiri, Hyderabad. ...APPELLANT/Plaintiff

AND

1.Uppala Sridhar, S/o. Narsaiah,
Aged about: 39 yrs, Occ: Business,
R/o H.No. 10-22, Gajwel Village & Mandal,
Medak Dist.

2.Jeedipalli Ram Reddy, S/o Narayana Reddy,
Aged about: 62 yrs, Occ: Business,
R/o. H.No.3-49, Turkapalli Village,
Shameerpet Mandal, R.R.Dist.

3. Aakula Krishna Murthy, S/o. Late Vittal,
Aged about: 46yrs, Occ: Business,
R/o. Plot No. 180/A,
Old Vasavi Nagar Karkhana,
Secunderabad.

4. B.Sathya Narayana, S/o Narsaiah
Aged about: 58yrs, Occ: Business,
R/o. Turkapalli Village,
Shameerpet Mandal, R.R.Dist.

5. G.Sanjeeva S/o Kistaiah
Aged about: 57yrs, Occ: Business,
R/o. Kolthur Village,
Shameerpet Mandal, R.R.Dist. RESPONDENTS/Defendants

That the address for service of summon on the Appellant is to the care of his Advocates, Sri Bankatlal Mandhani (4819), Sri Ghanshyamdas Mandhani, Advocates, H.No.2-2-1105/27/B/1, Tilaknagar, Hyderabad.

That the address for service of notices etc., on the respondents is the same as given in the cause title above.

The appellant above named being aggrieved by the Judgment and Decree dated 27-04-2015in O.S.No. 710 of 2010 passed by the Hon'ble X Addl. District Judge (FTC), Ranga Reddy District At: L.B.Nagar, prefer this appeal, in so far as against the appellant, on the following among other grounds.

GROUNDS OF APPEAL

1. The Judgment passed by the above named Hon'ble X Addl. District Judge (FTC), R.R.Dist, At: L.B.Nagar., in so far as against appellant is contrary to the material placed on record, law, equity Justice and good conscious.

2. That the Court below ought to have decreed the suit intoto and not partly for Rs.12,00,000-00 out of total claim of Rs.42,00,000-00 and also ought not to have refused to grant interest from the date of agreement of sale Ex.A-1to the defendants.

3. That the Court below ought to have granted interest on the relief of recovery of Rs. 12,00,000-00 awarded by it from i.e., 28-12-2006 till date of decree by appreciating the fact that they are not entitled to retain the same in view of the fact that they have no right to sell the subject matter of the property under the agreement of sale and not from the date of demand.

4. That the lower court grossly erred in ignoring the contents of the Exhibit.A-2 which is the settlement (OPPANDA PATHRAM) by not relying on the same on the ground that it remained not proved.

5. That the Court below ought to have appreciated that in the reply legal notices Ex.B1 and B-4 got issued by the defendants there is no denial of the payment made by the plaintiff of amount of Rs. 42,00,000-00 under the agreement of sale and receipt thereof by the defendants.

6. That the Court below ought to have appreciated that the Respondents No. 1 to 4/Defendants No.1 to 4 have not filed written

statement denying execution and contents etc., of Ex.A-2 and hence ought to have decreed the suit in toto. That the adoption memo filed by the defendants No.1 to 4 cannot be looked into for any purpose as the same cannot be treated as written statement on behalf of said defendants.

7. That the Respondents No.1 to 4 did not deny their signature and the execution nor entered into witness box and hence ought to have drawn adverse inference against them and ought to have decreed the suit intoto.

8. That the Court below failed to appreciate that the except the vague bare denial of execution by DW-1(D.No.5) , there is nothing on record to show that the respondents No.1 to 4 have not executed Ex.A-2 and hence ought to have decreed the suit intoto.

9. That the Court below ought to have appreciated that the DW-1 himself has stated that he cannot identify the signatures of the other defendants who have joined in execution of Ex.A-2 and hence ought to have decreed the suit by not relying on the statement of DW-1.

10. That appellant recently learnt at the time of filing of the present appeal, that Defendant No. 2/Respondent No.2 herein as Defendant No.2 in O.S.No.136 of 2007 on the file of Learned Principal Junior Civil Judge, Medchal, gave evidence as DW-1 and he clearly stated on oath that they received Rs. 42,00,000-00 from the appellant under the agreement of sale. The appellant has applied for grant of certified copy of Judgement and the evidence of DW-1 therein and crave leave of the Hon'ble High Court to receive the same by way of additional evidence in the appeal on filing of the same in interests of justice.

11. That the Court below ought to appreciated on the basis of record that all the material on record eventually probabilises payment of Rs.42,00,000-00 by the plaintiff to the defendants under the agreement of sale and ought to have decreed the suit as prayed for.

12. That the Court below ought to have appreciated that the conduct of defendants in the circumstances of the various vague defences at different stages is not truthful and ought to have rejected the denial of Ex. A-2 by DW-1 as malafide one.

13. That the Court below ought to have directed taking of expert opinion under S.45 of Indian Evidence Act before holding Ex.A-2 as not proved.

14. That the lower court ought to have considered the contents of Ex.A.2 in which the respondents/defendants acknowledged the receipt of the amount of Rs. 42,00,000/- (Forty Two Lakhs Only) from the plaintiff towards the sale of the land bearing Sy.No.50 admeasuring Ac.1.00 gts situated at Yadaram village, Medchal Mandal, R.R.Dist.

15. That the respondents/defendants also agreed to receive the balance sale consideration of Rs.9,50,000/- (Nine Lakhs Fifty Thousand Only) from the agreed total sale consideration of Rs. 51,50,000/- (Fifty One Lakhs Fifty Thousand only). That from this acknowledgement in the Oppanda Pathram dated 11-10-2007 which is Ex.A.2 it is quite clear that the respondents/defendants received Rs. 42,00,000/- from the total sale consideration amount of Rs. 51,50,000/- leaving the balance sale consideration of Rs.9,50,000/- to be received at the time of registration of the sale deed.

16. That the lower court grossly erred in ignoring the Oppanda Pathram Ex.A.2 in which the respondents/defendants agreed to get the property clear of the title failing which they have also agreed to return Rs.42,00,000/- with interest @ 3% P.A. on the amount received by them.

17. That the lower court grossly erred in decreeing the suit for Rs.12,18,000/- (Twelve Lakhs Eighteen Thousand Only) and dismissing the claim of the plaintiff for the balance claim amount.

18. That the lower court grossly erred in not considering the own admission of the defendants that there was a dispute about the title of the property sought to be sold by the defendants to the plaintiff.

19. For the above mentioned grounds among the other grounds which may be argued at the time of arguments.

COURT FEE:

Appeal is filed against refusal of Reliefs only i.e., i) on Interest Refused on Rs.12,00,00-00 from the date of payment made to the Defendants till date of demand and ii) also for Principal amount of Rs. 30,00,000-00(Rs.Thirty Lakhs) with interest @ 18% PA from the date of agreement of sale

a) Prinicipal Amount not decreed (42,00,000-00 minus 12,00,000-00)	;Rs.30,00,000-00
b) Interest @ Rs. 18% P.A. from 28-12-2006 to 9-10-2010(date of legal notice) on Rs. 12,00,000-00 (46 months 03 days) (from date of Ex.A-1 agreement)	:Rs. 8,29,800-00
c) Interest @ Rs.18% from 11-10-2007 To 27-04-2015 (7Years 6 Months 16 days) On Rs.30,00,000-00 (From date of Ex.A-2 oppandam)	:Rs.40,62,000-00
Total	**:Rs.78,89,800-00**

Hence a advalorem Court fee of **Rs. 80,726-00** is paid herewith under S.49 R/w S.20 of the A.P.C.F& S.V.Act which is proper and sufficient.

PRAYER:

The appellant herein therefore prays that this Hon'ble court may be pleased allow the appeal by setting aside the Judgment and Decree in O.S.No.710 of 2010 dated 27-04-2015 Passed by the learned X Addl. District Judge (FTC), R.R.Dist at Medchal in so far as against the Appellant and pass such other order or orders as this Hon'ble court may deems fit and proper in the circumstances of the case and in the interest of Justice and equity.

Date:10-08-2015

COUNSEL FOR APPELLANT

(11)

DECREE IN ORIGINAL SUIT

IN THE COURT OF THE X ADDL DISTRICT JUDGE(FTC)
RANGA REDDY DISTRICT: AT L B NAGAR.

Present:- *Sri K. Venkateswarlu,*
FAC X Addl. District Judge,
Ranga Reddy District

Dated on this the 27th day of April, 2015

O.S.NO. 710 OF 2010

Between:
Smt. V. Dhana Lakshmi W/o Sri. V, Raj Kumar,
Aged: 42 years, Occ: House-Hold
R/o H.No. 24-88/6/5/1A, Anand Bagh,
Malkajgiri, Hyderabad. ..Plaintiff

AND

1. Sri. Uppala Sridhar S/o Narsaiah,
aged about 34 years, Occ: Business
R/o H.No. 10-22 Gajwel Village and Mandal,
Medak, District,

2. Sri. Jeedipally Ram Reddy, S/o Narayana Reddy,
aged about 57 years, Occ: Business
R/o H.No. 3-49, Turkapally Village,
Shameerpet Mandal, Ranga Reddy District,

3. Sri. Aakula Krishna Murthy, S/o Late. Vittal,
aged about 41 years, Occ: Business
R/o Plot No. 180/A, Old Vasavi Nagar Kharkana,
Secunderabad,

4. Sri. B Satyanarayana, S/o Narasaiah,
aged about 53 years, Occ: Business
Turkapally Village, Shameerpet Mandal,
Ranga Reddy District

5. Sri. G. Sanjeeva, S/o Kishtaiah,
aged about 52 years, Occ: Business
Turkapally Village, Shameerpet Mandal,
Ranga Reddy District ..Defendants

Claim : This is a suit filed by the plaintiff for recovery of money of Rs.61,48,600/- with future interest @ 24% P.A from the date of the suit till the date of realization

Valuation : The suit for recovery of money for Rs. 61,48,600/- and a court fee of Rs. 63,926/- is paid U/s 20 Article 1(1) of APCF & SV Act.

Cause of Action : The cause of action for filing of the suit arose on 25-12-2006 when the defendant's received Rs. 42,000,00/- from the plaintiff, and have promised to return the amount received by them with interest 30% per annum from 28-12-2006 till the repayment and this promise was made by the defendant's on 31-1-2008

Chakrapani,Advocate for the plaintiff and of Sri G.Balaji, Advocate for [illegible] and upon perusal of the record and the matter having stood over for consideration till this day, this court doth decrees as follows:

1) That the suit of the plaintiff be and the same is hereby decreed for a sum of Rs 12,18,000/- with interest @ 12% per annum on the said amount from the date of suit till the date of realization.

2) It is further decreed that the plaintiff made excess claim than what she is entitled she is not entitled to costs even for the amount for which decree is passed as the claim which is granted is more than the claim granted.

3) That the rest of the claim of the plaintiff is dismissed.

Given under my hand and seal of this court on this the 27th day of April,2015.

FAC X Addl. District Judge(FTC),
Ranga Reddy District.

Addl. District & Sessions Judge
(Fast Track Court)
Ranga Reddy Dist.

Costs of the Suit

No		For Plaintiff	For Defendants
1	Stamp on Plaint	Rs.63,926-00	
2	Stamp on Power	Rs. 2-00	Rs. 2-00
3	Service of process	Rs. 300-00	
4	Pleader Fee/Jr. Fee	FC & MC not filed	
	TOTAL	Rs. 64,228-00	Rs. 2-00

FAC X Addl. District Judge(FTC),
Ranga Reddy District.

Addl. District & Sessions Judge
(Fast Track Court)
Ranga Reddy Dist.

Note:-
" The parties should apply as soon as possible for the return of all documents which they may wish to preserve, as the record will be liable to be destroyed after three years from this date".

X ADDL. DISTRICT & SESSIONS JUDGE F.T.C. R.R. DIST.

COURT OF THE DISTRICT & SESSIONS JUDGE
RANGA REDDY DISTRICT
C.A. No. 9853 of 15 20
Application Filed on: 29/4/15
Charges Called on: 16/7/15
Charges Deposited on: 17/7/15
Receipt No: 6596/15 Rs: 36/-
Copy made ready on: 23/7/15
Copy delivered on:
Superintendent
Central Copying Section
Ranga Reddy District

CENTRAL COPYING SECTION * R.R. DIST. *

READY BY:
COMPARED BY:
CERTIFIED TRUE PHOTO COPY

Copying Superintendent

(13)

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

AS 161 of 2016

Between:

SMT. V.DHANA LAXMI, HYD

.....APPELLANT(S)

AND

U.SRIDHAR, MEDAK DIST & FOUR OTHERS

.....RESPONDENT(S)

Appeal from the decree and judgement dated 27-04-2015 , OS 710 of 2010 of the Court of X ADDL D J (FTC) R.R DT AT L.B NAGAR.

Take notice that appeal petition from the above decree/order has been presented by the above named appellant and registered in this Court, and that if you intend to defend the same you must enter an appearance in this court and give notice to the appellant or his pleader within 30 days after service of this notice on you.

If no appearance is entered on your behalf by yourself,your pleader or someone by law authorised to act for you in this appeal it will be heard and decided in your absence.

The address for service of the appellant is that of his Advocate BANKATLAL MANDHANI

A copy of the Memorandum of which is annexed here to - A

By order of the Court

Date: 27/02/2016;
Hyderabad

ASSISTANT REGISTRAR

Copy

$12,18000 \times \frac{12}{100}$

146160 PLA

12180 PLM

406 PLD

12
12-7-16
12-11-10

0-8-5

730800
97440

828240 +
1218000

2046240

5426
17000
500

22926

62

Record called for 2016
Hearing fixed for 2016
Notice put up on board 2016
Process for paid 2016
Notice sent to respondents 2016

HIGH COURT

Cross Objection

Cross Objection No. 8036 of 2016
in
AS No. 164 of 2016

RANGA REDDY DISTRICT

OS No.710 of 2010

IN THE COURT OF X ADDL. DISTRICT JUDGE (FTC), RANGA REDDY AT LB NAGAR

Between :

Uppala Sridhar and 4 others

..Cross Objectors

By

M. V. RAJ KUMAR GABRIEL (8290)
Advocate

Verses

Smt. V. Dhana Lakshmi

..Respondent

Nature of Claim :

In the court of the
First instance 27-04-2015

In the lower court
Appellate court

In the High Court 12-07-2016

Value of the appeal Rs. 20,46,240/-

Court fee paid Rs. 22,926/-

UNDER SECTION 151 OF C.P.C. 67

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

ASMP NO. OF 2015

IN

AS (SR) NO. 9016 OF 2015

Between:

Smt. V. Dhana Laxmi

.. Petitioner/s

And

Uppala Sridhar and others

.. Respondent/s

VERIFIED PETITION

It is submitted that the above case was returned by the registry with office objections by giving 10 days time to comply with the same. After collecting the bundle from the registry by my clerk, he kept the same in the office for complying the same. But the same was misplaced in the disposed of bundles. He could not trace the same immediately. However, he could trace it and complied with the objections raised by the registry. In the process the occurred a delay in representing the above case. The delay is neither willful nor wanton but for the reasons mentioned supra. If the delay is not condoned, we will suffer irreparable loss and injury.

For all the reasons stated supra, it is prayed that this Hon'ble court may be pleased to condone the delay of (4) days in representing the above case in AS (SR) No. 9016 of 2015 and pass such other or further orders.

Hyderabad
Date: 24/8/2015

COUNSEL FOR THE PETITIONERS.

MEMORANDUM OF CIVIL MISCELLANEOUS PETITION
(FILED UNDER SECTION 5 OF LIMITATION ACT)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT: HYDERABAD FOR THE STATE OF TELANGANA AND FOR THE STATE OF ANDHRA PRADESH

AS.MP.NO. 1546 **OF 2016**

IN

AS.No. 164 **OF 2016**

BETWEEN:

1. SRI.UPPALA SRIDHAR, S/O NARSAIAH, Aged about 40 years, Occupation: Business, R/o H.No.10-22, Gajwel Village and Mandal, Medak District, Telangana.

2. SRI.JEEDIPALLY RAM REDDY, S/O NARAYANA REDDY, Aged about 63 years, Occ: Business, R/o H.No.3-49, Thurkapally Village, Shameerpet Mandal, Ranga Reddy District.

3. SRI.AAKULA KRISHNA MURTHY, S/O LATE.VITTAL, Aged about 47 years, Occ: Business, R/o Plot No. 180/A, Old Vasavi Nagar, Karkhana, Secunderabad.

4. SRI.B.SATYANARAYANA, S/O NARSAIAH, Aged about 59 years, Occupation: business, R/o Thurkapally Village, Shameerpet Mandal, RR. District.

5. G.SANJEEVA, S/O KISHTAIAH, Aged about 58 Years, Occupation: Business, R/o Thurkapally Village, Shameerpet Mandal, RR. District.

.....Petitioners/Appellants

And

SMT.V.DHANA LAKSHMI, W/O V.RAJ KUMAR, Aged about 48 years, Occ: Household, Residing At H.No.24-88/6/5/1A, Anand Bagh, Malkajgiri, Hyderabad.

.....Respondents/Respondent

For the reasons stated in the accompanying affidavit, it is therefore prayed that the Hon'ble court may be pleased to condone the delay of (915 days in preferring the above Appeal before this Hon'ble Court and pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice.

PLACE: HYDERABAD.

DATE: 12-09-2016.

COUNSEL FOR PETITIONERS/APPELLANTS

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT: HYDERABAD FOR THE STATE OF TELANGANA AND FOR THE STATE OF ANDHRA PRADESH

AS.MP.NO. OF 2016

IN

AS.No. OF 2016

BETWEEN:

SRI.UPPALA SRIDHAR And 4 Others

.....Petitioners/Appellants

And

SMT.V.DHANA LAKSHMI,

.....Respondents/Respondent

AFFIDAVIT

I, Sri Uppala Sridhar, S/o.Narsaiah, aged about 40 years, Occupation: Business, R/o H.No.10-22, Gajwel Village and Mandal, Medak District, do hereby solemnly affirm and sincerely state on oath as follows:-

1. That I am the Deponent herein and Petitioner / Appellant No.1 in the above Appeal and as such well acquainted with the facts of the case and able to depose as under. Further I am deposing on my behalf and on behalf of the other Appellants.

2. I humbly submit that the Respondent herein has filed suit in OS. 710/2010 on the file of HON'BLE X ADDL. DISTRICT JUDGE (FTC) RANGA REDDY DISTRICT, AT: L.B.NAGAR against the Petitioners herein for Recovery of money. Further in the said suit after thorough enquiry and trial, the Hon'ble Court was pleased to partly Decree the suit for sum of Rs.12,18,000/- together with interest vide Judgement and Decree dated 27-4-2015.

3. I further submit that aggrieved by the Judgement and decree dated 27-4-2015 passed by the Hon'ble Court, I preferred the above Appeal before this Hon'ble court. Further as a matter of fact I suffered with prolonged illness and there was a communication gap with other petitioners, as such I nor the other petitioners could pursue the case or contacted the counsel.

4. I further submit that after I recovered from ill health, I and the other petitioners approached the Counsel, who in turn told us that the Judgment need to be challenged before the Hon'ble High Court and that there is a delay of (91) days. Further the delay in preferring the above Appeal is neither willful nor wanton, but for the above said reason only.

5. I further submit that I got a good case in the above Appeal and there is every chance of succeeding the same, as such it is just and necessary to condone the delay of (95) days, otherwise I shall suffer great irreparable loss and injury.

It is therefore prayed that this Hon'ble Court may be pleased to condone the delay of (95) days in preferring the above Appeal and pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice.

Sworn and sign before me on this
the 12th day of ~~June~~ July, 2016, Hyderabad.

V. Sridhar
DEPONENT

Identified by: M.V.RAJ KUMAR GABRIEL,
ADVOCATE

ADVOCATE HYDERABAD.

(P. Shankar Rao)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT: HYDERABAD
FOR THE STATE OF TELANGANA AND FOR THE STATE OF
ANDHRA PRADESH

AS.MP.NO. OF 2016

IN

AS.No. OF 2016

BETWEEN:

SRI.UPPALA SRIDHAR And 4 Others

.....Petitioners/Appellants

And

SMT.V.DHANA LAKSHMI,

.....Respondents/Respondent

AFFIDAVIT

I, Sri Uppala Sridhar, S/o.Narsaiah, aged about 40 years, Occupation: Business, R/o H.No.10-22, Gajwel Village and Mandal, Medak District, do hereby solemnly affirm and sincerely state on oath as follows:-

1. That I am the Deponent herein and Petitioner / Appellant No.1 in the above Appeal and as such well acquainted with the facts of the case and able to depose as under. Further I am deposing on my behalf and on behalf of the other Appellants.

2. I humbly submit that the Respondent herein has filed suit in OS. 710/2010 on the file of HON'BLE X ADDL. DISTRICT JUDGE (FTC) RANGA REDDY DISTRICT, AT: L.B.NAGAR against the Petitioners herein for Recovery of money. Further in the said suit after thorough enquiry and trial, the Hon'ble Court was pleased to partly Decree the suit for sum of Rs.12,18,000/- together with interest vide Judgement and Decree dated 27-4-2015.

3. I further submit that aggrieved by the Judgement and decree dated 27-4-2015 passed by the Hon'ble Court, I preferred the above Appeal before this Hon'ble court. Further as a matter of fact I suffered with prolonged illness and there was a communication gap with other petitioners, as such I nor the other petitioners could pursue the case or contacted the counsel.

4. I further submit that after I recovered from ill health, I and the other petitioners approached the Counsel, who in turn told us that the Judgment need to be challenged before the Hon'ble High Court and that there is a delay of (95) days. Further the delay in preferring the above Appeal is neither willful nor

chance of succeeding the same, as such it is just and necessary to condone the delay of 95 days, otherwise I shall suffer great irreparable loss and injury.

It is therefore prayed that this Hon'ble Court may be pleased to condone the delay of 95 days in preferring the above Appeal and pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice.

Sworn and sign before me on this
the day of June, 2016, Hyderabad.

V. Sridhar
DEPONENT

Identified by: M.V.RAJ KUMAR GABRIEL,
ADVOCATE

ADVOCATE :: HYDERABAD.

MEMORANDUM OF CIVIL MISCELLANEOUS PETITION
(FILED UNDER SECTION 5 OF LIMITATION ACT)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT: HYDERABAD FOR THE STATE OF TELANGANA AND FOR THE STATE OF ANDHRA PRADESH

AS.MP.NO. OF 2016

IN

AS.No. OF 2016

BETWEEN:

1. SRI.UPPALA SRIDHAR, S/O NARSAIAH, Aged about 40 years, Occupation: Business, R/o H.No.10-22, Gajwel Village and Mandal, Medak District, Telangana.

2. SRI.JEEDIPALLY RAM REDDY, S/O NARAYANA REDDY, Aged about 63 years, Occ: Business, R/o H.No.3-49, Thurkapally Village, Shameerpet Mandal, Ranga Reddy District.

3. SRI.AAKULA KRISHNA MURTHY, S/O LATE.VITTAL, Aged about 47 years, Occ: Business, R/o Plot No. 180/A, Old Vasavi Nagar, Karkhana, Secunderabad.

4. SRI.B.SATYANARAYANA, S/O NARSAIAH, Aged about 59 years, Occupation: business, R/o Thurkapally Village, Shameerpet Mandal, RR. District.

5. G.SANJEEVA, S/O KISHTAIAH, Aged about 58 Years, Occupation: Business, R/o Thurkapally Village, Shameerpet Mandal, RR. District.

.....Petitioners/Appellants

And

SMT.V.DHANA LAKSHMI, W/O V.RAJ KUMAR, Aged about 48 years, Occ: Household, Residing At H.No.24-88/6/5/1A, Anand Bagh, Malkajgiri, Hyderabad.

.....Respondents/Respondent

For the reasons stated in the accompanying affidavit, it is therefore prayed that the Hon'ble court may be pleased to condone the delay of (98) days in preferring the above Appeal before this Hon'ble Court and pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice.

PLACE: HYDERABAD.

DATE: -06-2016.

COUNSEL FOR PETITIONERS/APPELLANTS

HIGH COURT AT HYDERABAD

AS.MP.NO. OF 2016

IN

AS.No. OF 2016

DELAY PETITON

Filed on: -07-2016

Filed by:

M/S. M.V.RAJ KUMAR GABRIEL.
(8290)

ADVOCATE
SECUNDERABAD
COUNSEL FOR APPELLANTS

H I G H C O U R T

CIVil Misc.Petition

AS.MP.NO.1546 of 2016

in (SW)
Cross Appeal No. 8036 of 2016
in
A.S.NO. 164 of 2016

RANGA REDDY ::DISTRICT

Uppala Sridhar, and others,..
Cross Appell

M/s. M.V.Rajkumar Gabriel(8
Counsel for the appellants,

NATURE OF APPLICATION

U/s. 5 of Limitation ACt

to condone the delay
(95) days in preferring the abov
appeal before this Hon'ble Court a
pass such other order or orders.

Presented on 12-7-2016

filed on 12-7-2016

DATA ENT

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12/7/16 30
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30

days 95