

IN THE COURT OF THE HON'BLE VII SENIOR CIVIL JUDGE: RANGA REDDY DISTRICT
AT : L.B.NAGAR

E.A.No. of 2014
 in
E.P.No. 12 of 2014
 in
O.S.No. 194 of 2012

Between:

A.Shankar Reddy S/o.Sri A.Sathi Reddy
aged about 45 years, Occ: Private Employee
R/o.Flat No.102, Block-1-C, Paramount Residency
Nagaram, Keesara Mandal, Ranga Reddy District ... Petitioner/J.Dr./Defendant

And

M/s.Paramount Builders, a Partnership firm
Rep.by its Managing Partner Sri Soham Modi
S/o.Sri Satish Modi, aged about 42 years
At H.No.5-4-187/3 & 4, Soham Mansion
MG.Road, Secunderabad ... Respondent/D.Hr./Plaintiff

PETITION FILED UNDER ORDER XXI RULE 26 CPC R/W.SEC.151 CPC

For the reasons mentioned in the accompanying affidavit, the
Petitioner/J.Dr./ Defendant, therefore humbly prays that this Hon'ble Court
may be pleased to stay all the further proceedings in the above E.P.No.12/2014
in O.S.No.194 of 2012 pending disposal of two Petitions i.e., one for setting
aside the exparte decree Dt.11-12-2012 passed in the above Suit and another
Petition for condoning the delay in filing the Petition to set aside the exparte
Decree Dt.11-12-2012, and pass such other order or orders as this Hon'ble Court
deems fit and proper, in the circumstances of the case, and in the interest of
justice.

COUNSEL FOR PETITIONER/DEFENDANT

Place : Secunderabad
Dated : -09-2014

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And

M/s.Paramount Builders

... Respondent/D.Hr/Plaintiff

PETITION FILED UNDER ORDER XXI RULE
26 GPC R/W.SEC.151 CPC

Filed on: 11/02-09-2014

Filed by : Counsel for Petitioner/
Defendant

L.Srinivas Patel
Advocate

Plot No.88, Jyothinagar Colony,
Old Alwal, Secunderabad-500 010

IN THE COURT OF THE HON'BLE VII SENIOR CIVIL JUDGE: RANGA REDDY DISTRICT
AT : L.B.NAGAR

E.A.No. of 2014

E.P.No. of 2014

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Between:

A.Shankar Reddy

... Petitioner/J.Dr./Defendant

And

M/s.Paramount Builders

... Respondent/D.Hr./Plaintiff

A F F I D A V I T

I, A.Shankar Reddy S/o.Sri A.Sathi Reddy, aged about 45 years, Occ: Private Employee, R/o.Flat No.102, Block-1-C, Paramount Residency, Nagaram, Keesara Mandal, Ranga Reddy District, do hereby solemnly affirm and sincerely state on Oath as follows:

1) I am the Deponent/Petitioner herein, Judgment Debtor in the above E.P. and Defendant in the above suit, as such I am well acquainted with the facts of the case.

2) I submit that the Respondent/D.Hr./Plaintiff filed the above suit against me for recovery of money before the Hon'ble III Senior Civil Judge, City Civil Court, at Secunderabad with all false and baseless allegations. I have engaged an Advocate Mr.K.Kishore Roy to file Written Statement on my behalf in the above case and I have filed my Vakalat in the said Case to defend the same on 30-06-2012. I submit that after engaging Advocate in the said Case, I was transferred to Chennai by my employer i.e., the Respondent/Plaintiff herein in the year 2012 and due to the said reason I could not instruct my said advocate to file Written Statement in the above case as such I was set exparte in the above said case on 30-10-2012, subsequently this Hon'ble court was pleased to pass exparte decree on 11-12-2012.

3) I submit that I have strong defence in the above case to contest the said case. Originally the suit claim was between me and Respondent/Plaintiff for recovery of money for purchase of Flat No.102, Block No.1-C, situated at Nagaram Keesara Mandal, Ranga Reddy District. As per the Loan Agreement

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entered into between me and Respondent/Plaintiff the total cost of the flat was fixed by the Plaintiff Rs.12,85,000=00, out of which, I have paid a sum of Rs.8,15,000=00 to the Respondent/Plaintiff and I agreed to pay the balance sale consideration of Rs.4,70,000/- in 60 monthly installments commencing from 01-10-2011 to 01-09-2016. As per the said loan agreement I have paid 7 installments i.e., upto 01-02-2012. After that I was transferred to Chennai by the Respondent/D.Hr./Plaintiff herein. Due to the said reason I became irregular in payment of installments. Mean while the Respondent/D.Hr./Plaintiff filed the above suit against me for recovery of entire balance loan amount which is contrary to the Loan Agreement. Even today I am ready and willing to pay the balance installments amount to the Respondent/Plaintiff but the Respondent/D.Hr./Plaintiff refused to receive the same. More over as on this date, the Loan Agreement is subsisting.

4) I further submit that after passing the Exparte Decree by the Hon'ble III Senior Civil Judge, Secunderabad, the Respondent/D.Hr./Plaintiff filed a Petition for transfer of the said Decree and thereafter the Respondent/D.Hr./Plaintiff has filed E.P.No.12 of 2014 before this Hon'ble Court, for sale of my Flat ie., E.P.Schedule Property which is unjust since the Loan Agreement is subsisting upto 2016. Contrary to the said Agreement, the Respondent/D.Hr./Plaintiff filed the above suit. I submit that recently I came back to Hyderabad and I received notices in the above E.P.No.12/2014. After receipt of summons in the said E.P., I filed Vakalat with an intention to contest the said E.P. and immediately I approached the Hon'ble III Senior Civil Judge, City Civil Court, at Secunderabad and enquired about the above Case, wherein I came to know that I was set exparte in the above suit and an Exparte Decree was passed against me on 11-12-2012. I submit that in view of the above said circumstances, I intend to contest the matter before the Hon'ble III Senior Civil Judge, City Civil Court, at Secunderabad to prove that the Respondent/D.Hr./Plaintiff filed the above case with false and baseless allegations so also the said suit was filed by the Respondent/D.Hr./Plaintiff before completing the installments period. As such I filed two Petitions before the Hon'ble III Senior Civil Judge, City Civil Court, at Secunderabad for setting aside the Exparte Decree Dt.11-12-2012 passed in the above suit along with condone delay Petition in filing Setting aside Petition. Hence it is just and necessary that this Hon'ble Court may be pleased to stay all the further proceedings in the above E.P.No.12/2014 pending disposal of the above said two Petitions, or else, I will be put to irreparable loss and hardship.

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I therefore humbly pray that this Hon'ble Court may be pleased to stay all the further proceedings in the above E.P.No.12/2014 in O.S.No.194 of 2012 pending disposal of two Petitions i.e., one for setting aside the exparte decree Dt.11-12-2012 passed in the above Suit and another Petition for condoning the delay in filing the Petition to set aside the exparte Decree Dt.11-12-2012, in the interest of justice.


DEPONENT

Sworn and signed before me on this the
day of September, 2014 at L.B.Nagar
Identified by Sri L.Srinivas Patel, Advocate

Advocate

