

IN THE COURT OF THE HON'BLE I ADDITIONAL CHIEF JUDGE:
CITY CIVIL COURTS:
AT SECUNDERABAD.

I. A. NO: OF 2014.

IN
O.S.NO: 122 OF 2012.

BETWEEN:-

Smt. A. Susheela w/o Sudhakar,
Aged 58 years, Occ: House wife,
r/o 304, Maha Lakshmi Towers,
Shivbagh, Ameerpet, Hyderabad.

-PETITIONER/DEFENDANT.

AND

M/s. Mehta & Modi Homes, Rep. by its Managing Partner
Sri Soham Modi s/o Satish Modi, Aged 38 years, Occ: Business,
Regd. Office: 5-4-187/3 & 4, Soham Mansion, M. G. Road,
Secunderabad.

- PLAINTIFF/RESPONDANT.

AFFIDAVIT.

I, Smt. A. Susheela w/o Sudhakar, Aged 58 years, Occ: House wife, r/o 304,
Maha Lakshmi Towers, Shivbagh, Ameerpet, Hyderabad do hereby solemnly
affirm and states as follows:-

1. I am the Petitioner herein and the sole defendant in the main suit and as
such well acquainted with the facts of the case.

2. I submit that the Plaintiff filed this suit for recovery of money on false and
frivolous documents/allegations against me. I engaged my counsel and filed
vakalat on 15-4-2013 and the matter was posted to 8-7-2013 and on that day I filed
a PETITION FILED UNDER ORDER VII RULES 10 & 11 R/W SECTION 151
CIVIL PROCEDURE CODE read with Section (1) of the Arbitration &
Conciliation Act.1996 Vide Sr No: 6152/2013 and the copy of the same is also
served and the other side endorsed to file counter. The contents of the said
application read as a part of this affidavit. No date was given on the same I A till
date and on 19-8-2013 the docket showing as W. S. Not filed defendant set- ex-
parte and posted the matter to 23-9-2013 on which date P. O. on leave and to 29-1-
2014 again on P. O. on leave and finally posted to 10-3-2014 i.e., today for Ex-

parte evidence of Plaintiff which is being noticed on 9-3-2014 and immediately filing the petition to set aside the Ex-parte order dated 19-8-2013 and for posting the matter to file the my Written statement. As P. O. On leave for on period and I am also not in India and due to demise of my mother-in-law I had been to India from USA. Due to the same could not observe the date and as such there are no willful latches on my part. I have good grounds to succeed in the suit as the N. I. Act case filed by the Petitioner was dismissed as well appeal against the present suit cheque's, which were given for construction agreement work which was not done till date since 2006 to till date having received more than agree amount and constructed the building in deviation to the sanctioned plan and harassing me for all these years by making run from one court to the another being lady. The delay in noting the date is neither intentional nor willful but for the reasons stated above. There is delay of 171 days in filing the present application.

Hence it is therefore prayed to condone the delay of 171 is filing the setting aside ex-parte order dated 19-8-2013 in keeping the defendant ex-parte from the suit and to restore to its original position for filing the written statement and pass necessary orders/ on the interest of justice as otherwise the petitioner will be put to irreparable loss and injustice.

Hence it is therefore prayed to set aside ex-parte order dated 19-8-2013 in keeping the defendant ex-parte from the suit and to restore to its original position for filing the written statement and pass necessary orders/ on the interest of justice as otherwise the petitioner will be put to irreparable loss and injustice.

Solemnly affirmed and signed
On -7-2013 at Secunderabad.

Deponent.

Before me,

Advocate, Secunderabad.

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O.S.NO: 122 OF 2012.

BETWEEN:-

Smt. A. Susheela w/o Sudhakar,
Aged 57 years, Occ: House wife,
r/o 260, SILVER OAK BANGALOWS,
CHERLAPALLY, Hyderabad – 26.

-PETITIONER/DEFENDANT.

AND

M/s. Mehta & Modi Homes, Rep. by its Managing Partner
Sri Soham Modi s/o Satish Modi, Aged 38 years, Occ: Business,
Regd. Office: 5-4-187/3 & 4, Soham Mansion, M. G. Road,
Secunderabad.

- PLAINTIFF/RESPONDANT.

PETITION FILED UNDER SECTION 5 OF THE LIMITATION ACT R/W
SECTION 151 CIVIL PROCEDURE CODE.

For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to condone the delay of 171 is filing the setting aside ex-parte order dated 19-8-2013 in keeping the defendant ex-parte from the suit and to restore to its original position for filing the written statement and pass necessary orders/ on the interest of justice as otherwise the petitioner will be put to irreparable loss and injustice.

Date: - -3-2014,

Secunderabad.

Counsel for the Petitioner/Defendant.

IN THE COURT OF THE HON'BLE J
ADDITIONAL CHIEF JUDGE:

CITY CIVIL COURTS:

AT SECUNDERABAD.

I. A.NO: OF 2014.

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O.S.NO: 122 OF 2012.

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Smt. A. SUSHEELA.

-PETITIONER/DEFENDANT.

AND

M/s. Mehta & Modi Homes,

Rep. by its Managing Partner

Sri Soham Modi

- RESPONDENT/PLAINTIFF.

PETITION FILED UNDER SECTION 5 OF
THE LIMITATION ACT R/W SECTION
151 OF C.P.C.

FILED ON: -3-2014.

FILED BY:

92900 89567

9440476239

CH.LAKSHMI NARAYANA.

ADVOCATE.

11-13-690/1/502, R. NO: 4/G,

GREEN HILLS COLONY,

KOTHAPETA, HYDERBAD -35.

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Regd. Office: 5-4-187/3 & 4, Soham Mansion, M. G. Road,
Secunderabad.

- PLAINTIFF/RESPONDANT.

PETITION FILED UNDER ORDER IX RULE 7 R/W SECTION 151 CIVIL
PROCEDURE CODE.

For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to set aside ex-parte order dated 19-8-2013 in keeping the defendant ex-parte from the suit and to restore to its original position for filing the written statement and pass necessary orders/ on the interest of justice as otherwise the petitioner will be put to irreparable loss and injustice.

Date: - -3-2014,

Secunderabad.

Counsel for the Petitioner/Defendant.

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M/s. Mehta & Modi Homes,

Rep. by its Managing Partner

Sri Soham Modi

- RESPONDENT/PLAINTIFF.

PETITION FILED UNDER ORDER IX
RULE 7 R.W SECTION 151 OF C.P.C.

FILED ON: -3-2014.

FILED BY:

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CH.LAKSHMI NARAYANA.

ADVOCATE.

11-13-690/1/502, R. NO: 4/G,

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