

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**CIVIL REVISION PETITION Nos.1128, 2096, 2098, 2100, 2101
AND 2102 of 2023**

C.R.P.No.1128 of 2023

BETWEEN

Smt. Sana Lakshmi Devi (Died as per LRs.,)
& others

... Petitioners

And

M/s. Prime Properties,
A registered Partnership Firm,
Represented by its partner Najeeb Ahmed
S/o. Late Mohammed Ali, having its office
At 10-5-2/1/8, Maheshwari Complex,
Masab Tank, Hyderabad -500028 & others.

... Respondent No.1

C.R.P.Nos. 2096, 2098, 2100 & 2101 of 2023

BETWEEN

M/s.Prime Properties,
A registered Partnership Firm,
Represented by its partner Najeeb Ahmed
S/o. Late Mohammed Ali, having its office
At 10-5-2/1/8, Maheshwari Complex,
Masab Tank, Hyderabad – 500028

... Petitioner

And

Smt. Sana Lakshmi Devi (Died as per LRs.,) & others.

... Respondents

C.R.P.No.2102 of 2023**BETWEEN**

M/s.Siddharth Infratech and Services (I) Private Limited,
A company incorporated under the Companies Act,
Having a office at Plot No.13, Road No.82, Jubilee Hills,
Hyderabad – 500033,
Represented by its Managing Director,
i.e., Sri Bandaru Narsimha Rao S/o Pandu Ranga Rao,

... Petitioner

And

Smt. Sana Lakshmi Devi (Died as per LRs.) & others

... Respondents

Date of Judgment Pronounced: **05.07.2024****SUBMITTED FOR APPROVAL:****THE HONOURABLE SMT. JUSTICE K. SUJANA**

1. Whether Reporters of Local newspapers may (Yes/No)
be allowed to see the Judgments?
2. Whether the copies of judgment may be (Yes/No)
marked to Law Reports/Journals?
3. Whether their Lordship/ Ladyship wish to (Yes/No)
see the fair copy of the Judgment?

JUSTICE K. SUJANA

*** THE HON'BLE SMT. JUSTICE K. SUJANA**
+ CIVIL REVISION PETITION Nos.1128, 2096, 2098, 2100, 2101
AND 2102 of 2023

% Dated 05.07.2024

C.R.P.No.1128 of 2023

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& others

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And

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... Petitioner

And

\$ Smt. Sana Lakshmi Devi (Died as per LRs.,) & others

... Respondents

! Counsel for Petitioners : Sri Satish Prasuram,
learned Senior counsel appearing
for Sri S. Malla Rao
^ Counsel for respondents : Sri M.V. Durga Prasad

<GIST:

> HEAD NOTE:

? Cases referred

AIR 2004 AP 538

THE HONOURABLE SMT JUSTICE K. SUJANA**CIVIL REVISION PETITION NOS.1128, 2096, 2098, 2100,
2101 and 2102 OF 2023****COMMON ORDER:**

Since the I.As questioned before this Court were disposed of by the court below by way of common order, all the C.R.Ps are heard together and disposed of by this common order.

2. The revision petitioner herein is the plaintiff in the suit. CRP No.1128 of 2023 is filed by the defendants 3 to 11 to set aside the docket order dated 04.04.2023 in O.S.Nos.588 to 591 of 2022. The other CRPs are filed to set aside the common order dated 19.07.2023 passed in I.A.Nos.286 to 289 of 2023 in O.S.Nos.588 to 591 of 2022 by the Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally. I.A.No.286 of 2023 is filed U/o.16, Rule 5 & 6 r/w 151 of Civil Procedure Code (in short 'C.P.C') praying the Court to summon the original record pertaining to Volume No.IV (Sl.No.785) in relation to the Document No.707 of 1952 on the file of Sub- Registrar, Red-Hills, Nampally, Hyderabad including the thumb impressions pertaining to the said document No.707 of 1952. I.A.No.287 of 2023 is filed U/o.16, Rule 5 & 6 r/w 151 of C.P.C., to summon

the entire record from Central Forensic Laboratory, Hyderabad pertaining to FIR No.305 of 2014 on the file of P.S. KPHB, Kukatpally. I.A.No.288 of 2023 is filed U/o.16, Rule 5 & 6 r/w 151 of C.P.C., to summon the entire record from XIX - Metropolitan Magistrate -cum- AJCJ, Kukatpally pertaining to FIR No.305 of 2014 on the file of P.S. KPHB, Kukatpally. I.A.No.289 of 2023 is filed U/o.16, Rule 5 & 6 r/w 151 of C.P.C., to summon the entire record including the statement of account pertaining to bank account No.35423850732 of Sri Siddarth Infratech and Services (I) Private Limited, from State Bank of Hyderabad, Film Nagar Branch, Hyderabad. All the said I.As were filed by respondent Nos.2 to 9 who are defendant Nos.4 to 11 in the suits and the court below has allowed all the I.As by way of common order.

3. For the sake of convenience, the parties are hereinafter referred to as plaintiff and defendants as arrayed in the original suit.

4. The brief common pleadings in the petitions are that on the basis of alleged original of Ex.A42 sale deed, respondent No.1/plaintiff firm filed four suits vide O.S.Nos.588 to 591 of 2022 claiming the suit schedule properties of the respective

suits and the defendants have denied the truth and validity of the alleged Ex.A42 dated 02.05.1952 shown as Document No.707 of 1952 allegedly executed by Wali Mohammed in favour of Hashim Ali and that it is subject matter of investigation in FIR.No.305 of 2014 on the file of K.P.H.B., Kukatpally P.S. Similar FIR.No.51 of 2018 on the file of Central Crime Station, Hyderabad was also filed by one R. Koteswar Rao, the alleged partner of the plaintiff firm and filing of these cases was admitted by PW1 in his cross examination. The truth and validity of original of Ex.A42 goes to the root of the matter. Hence, it is just and necessary that the record pertaining to Volume No. IV (Sl. No.785) in relation to Document No.707 of 1952 on the file of Sub-Registrar Office, Red-Hills, Nampally, Hyderabad including the signature and thumb impressions pertaining to registered document No.707 of 1952 are necessary for adjudication of the matter. They are also seeking to summon the entire record pertaining to the investigation in FIR.No.305 of 2014 on the file of P.S. KPHB, Kukatpally and that of XIX Metropolitan Magistrate-cum-Additional Junior Civil Judge, Kukatpally, with reference to the said FIR.No.305 of 2014. PW1 admitted that he entered into reconstruction deed with Sri Siddharth Infratech and Services (I) Private Limited to

reconstitute the plaintiff's firm. The said Sri Siddharth Infratech and Services (I) Private Limited issued cheques in favour of Mir Ashim Ali Khan who filed FIR No.305 of 2014 on the file of P.S. KPHB, Kukatpally against the partners of the plaintiff's firm and to whom PW1 alleged as an impostor, but subsequently the accused partners of the firm in the said FIR entered into a compromise and got the said FIR quashed. PW1 denied knowledge about the payments made to him and therefore summoning of the record pertaining to the said account bank account No.35423850732 of Sri Siddharth Infratech and Services (I) Private Limited maintained with the State Bank of Hyderabad, Film Nagar Branch, Hyderabad is necessary. Therefore, they prayed to allow the I.As.

5. The respondent No.1 who is plaintiff in the suit filed counter with common averments stating that the defendant Nos.4 to 11 claimed to have purchased six plots from defendant No.1 Society, have knowledge of the sale deed vide document No.707 of 1952 dated 02.05.1952 at least from 2001 when the present batch suits were filed. Defendant No.1 society is claiming to have purchased the subject matter of the suit schedule properties from one Mir Fazeelath Hussain, who himself suffered a decree in O.S.No.122 of 1973 and as such

defendant No.1 society itself has knowledge of the sale deed vide document No.707 of 1952 and the decree in O.S.No.122 of 1973 at least from the date of decree viz., 22.11.1973.

6. The defendants are attempting to have a parallel trial, unconcerned and unconnected with the present batch suits in respect of quashed FIR vide No.305 of 2014 on the file of P.S.KPHB and the allegation that the sale deed document No.707 of 1952 was subject matter of investigation is incorrect since the impostor filed the false private complaint in FIR No.305 of 2014 claiming to be the owner of property vide, Sale deed document No.707 of 1952 and decree in O.S.No.122 of 1973. Against quashing of the FIR, SLP was filed and the same was also dismissed. The sale deed vide document No.707 of 1952 as such could not be subject matter of investigation since the de facto complainant in FIR No.305 of 2014 himself falsely claimed ownership under the sale deed and the same is not relevant to the present batch suits. The certified copy of registered sale deed vide document No.707 of 1952 is marked as Exhibit and it is a public document of over 70 years old and as such the present petition seeking to summon the record from the office of Sub- Registrar, Red-Hills, Hyderabad is not maintainable. Further the defendants are seeking to summon

the bank statement of Sri Siddharth Infratech and Services (I) Pvt. Limited, who is not a party to the batch suits. The reliefs sought for are beyond the scope of the suits and the same is an attempt to derail and delay the trial. Therefore, it is not necessary to call for bank statement. The defendants are repeatedly, habitually and maliciously harassing the plaintiff with malafide intentions by filing several petitions, C.R.Ps and S.L.Ps and have been unsuccessful and filing of the present petitions is one such attempt. It is open for the defendants to file relevant documents in their evidence and not by way of harassing the plaintiff to indefinitely postpone the trial. As such, prayed the trial Court to dismiss the petitions.

7. The respondent No.1/plaintiff filed additional counter affidavit stating that the Document No.707 of 1952 to be summoned from the Office of Sub-Registrar, Red-Hills, is illegal and is an attempt to seek a relief which is unknown to the Law and against the provisions of Sections 35, 58, 59 & 60 of Registration Act and provisions of Section 114 of Evidence Act. There is a presumption of a registered document being validly executed and calling the record from Central Forensic Laboratory pertaining to FIR No.305 of 2014 is also not in accordance with law and the impostor i.e., Mir Hasham Ali

Khan S/o. Mir Inayath Ali Khan impersonating as Original Hashim Ali s/o Mohammed Ali filed a false private complaint which was registered as FIR No.305 of 2014 by P.S. KPHB, Kukatpally and FIR was quashed by the High Court and against quashing of the FIR, SLP was also filed, which was dismissed. The request of the defendants to call for the record from PS., KPHB, Kukatpally and also from XIX Metropolitan Magistrate, Kukatpally with regard to FIR No.305 of 2014 is a malafide exercise to delay the proceedings. Their further request to summon the bank statements of M/s. Sri Siddarth Infratech and Services (I) Private Limited who is not a party to batch suits is beyond the scope of the suits. As such, prayed to dismiss the petitions with exemplary cost.

8. On hearing either side and on going through the material placed on record, the trial Court *vide* order dated 19.07.2023 allowed all the petitions.

9. Aggrieved thereby, the present revision petitions are filed stating that the trial Court failed to appreciate that the defendants having knowledge of the Sale Deed Document No. 707 of 1952 dated 02.05.1952 filed frivolous petitions for summoning the same with vague grounds. The trial Court erred

in observing that as the original of Ex.A42 is not filed, summoning the said document is required and at the time of execution of Ex.A42, the purchaser Hashim Ali was two years old and the original was in the custody of his guardian and Paternal Grandfather and the Paternal Grandfather died in the year 1960 and the original sale deed came in the custody of Mir Fazeelath Hussain i.e. Paternal Uncle of Hashim Ali and was not returned. Further, the trial Court has not appreciated the admitted fact that Ex.A42 sale deed has never been challenged for over 70 years and so also the Decree passed in O.S No.122 of 1973. The order of the trial Court was passed on assumptions and presumptions and therefore, prayed the Court to set aside the same.

10. Heard Sri Satish Prasuram, learned senior counsel representing Sri S. Malla Rao, learned counsel on record for the revision petitioner/plaintiff and Sri M.V.Durga Prasad, learned counsel for respondents/defendants.

11. Learned senior counsel appearing for the revision petitioner/plaintiff would submit that the order under challenge is erroneous and without there being any valid reasons, the trial Court allowed the petitions which is not in accordance with law.

The sale deed document is 70 years old and it is also confirmed vide decree in O.S.No.122 of 1973, which is not challenged by any of the party and therefore, now summoning the documents is only to drag the proceedings even though there is a direction from the Apex Court to dispose of the matters as early as possible. Therefore, prayed the Court to allow these revision petitions by setting aside the order of the trial Court.

12. On the other hand, learned counsel for the respondents/defendants would submit that the sale deed document which is filed under Ex.A42 is not a original document and it is a certified copy. Therefore, they filed a petition for summoning the same along with thumb impressions of executor and also filed petitions to summon the record pertaining to FIR from the police station as well from the Court below and statement of account from the bank to prove the same. There is no illegality in the order of the trial Court and there are no merits in these revisions. Therefore, prayed the Court to dismiss these revision petitions.

13. There are four IA's filed by the defendant Nos.4 to 11 in the trial Court for summoning the sale deed document No.707

of 1952, dated 02.05.1952 on the file of the Sub-Registrar, Red-Hills, Nampally, Hyderabad.

14. Originally O.S.No.588 of 2022 (O.S.No.898 of 2001) was filed by the plaintiff namely M/s. Prime Properties, a partnership firm against 13 defendants and sought relief of cancellation of sale deed No.2548 of 1996 dated: 15.04.1996 which was executed in pursuance of E.P.No.12 of 1996 in O.S.No.581 of 1994 on the file of 1st Senior Civil Judge, Ranga Reddy and consequential perpetual injunction in respect of 70 Acres of land in Sy.No.1007 of Kukatpally and also sought cancellation of decree dated: 27.02.1996 in O.S.No.581 of 1994.

15. According to the plaintiff, he is the owner and possessor of the suit schedule property by virtue of sale deed dated 15.04.1996. One Mr. Hashim Ali was owner and possessor of 1500 Acres of land in Sy.No.806, 1007, 1009, 1043 to 1065 of Kukatpally, Balanagar Mandal, Ranga Reddy District, by virtue of registered sale deed vide document No.707 of 1952, since the said Hashim Ali was a minor by then, he was represented by his Grand father Nawab Rayees Yar Jung Bahadur. Around 1963, A.P. Housing Board had acquired 1117 Acres of land in Sy.No.1009, 1045 to 1065 on payment of compensation which

was paid to legal heirs of late Nawab Rayees Yar Jung Bahadur. The legal heirs of Nawab Rayees Yar Jung Bahadur had filed O.S.No.330 of 1968 on the file of Chief Judge, City Civil Court and sought enhancement of compensation under Section 18 of Land Acquisition Act, which was allowed on 30.08.1972 by enhancing the compensation.

16. The real owner Hashim Ali dealt with remaining 340 Acres of land in Sy.No.1007 by way of oral gifts to relatives i.e., Maternal Uncle, aunt, his benefactors, foster brother and foster sister. The oral gift was confirmed by Memorandum of Hiba on 14.07.1972. Hashim Ali retained 43 acres of land in Sy.No.806 of Kukatpally. Later on, Mr. Hashim Ali and his donees were dispossessed from the respective properties in an illegal manner thereby Mr.Hashim Ali as indigent person filed O.S.No.122 of 1973 on the file of 1st Additional Chief Judge, City Civil Court, Hyderabad for delivery of possession of all the properties.

17. During the pendency of the suit, a compromise was effected and a decree was passed on 22.11.1973. In-terms thereof, Mr. Hashim Ali and his donees became absolute owners and possessors of 340 Acres of land in Sy.No.1007 and 45 acres of land in Sy.No.806 of Kukatpally. In-terms of the said

compromise, Mr. Hashim Ali gave up his right to claim compensation as awarded in Land Acquisition proceedings. The Decree in O.S.No.122 of 1973 was acted upon by the parties and thereby there is no dispute with regard to title and possession of land in Sy.No.1007 and 806 of Kukatpally. Further application was filed by Hashim Ali and his donees for mutation in revenue records but no action was taken. The name of Mir Fazeelath Hussain continued in revenue records in respect of land in Sy.No.806 and 1007 of Kukatpally. Thereafter Mr. Hashim Ali and his donees have constituted a firm called 'Sahara Real Estates Management and Consultancy' under a deed dated 16.09.1974. The entire property in Sy.No.1007 admeasuring 340 acres was brought and constituted as capital of some of the partners in the firm.

18. On 8.10.1974 Mr. Hashim Ali gave a letter to Tahasildar, Hyderabad West to effect mutation in favour of partnership firm. The firm carried business of buying rams to graze the vast kancha land and selling them. On 10.11.1983 Mr. Hashim Ali and other donees retired from the firm and their accounts were settled wherein they have received Rs.3,00,000/- towards full and final settlement. Thereafter a supplementary deed was executed on 25.02.1984 wherein the name of the Sahara Real

Estate Management consultancy changed to Prime Properties. Thus the plaintiff became owner and possessor of 340 Acres of land in Sy.No.1007 of Kukatpally.

19. Thereafter in the month of September, 2001, the plaintiff came to know that Mr. Mir Fazeelath Hussain filed a false declaration vide CC.No.F1/6360/1976 Under ULC Act in respect of land in Sy.No.1007 of Kukatpally by claiming possession. However, the same is false and not binding on the plaintiff. On knowing the same, the plaintiff approached Revenue Officials in the month of September, 2001 and it also came to know that the defendants have filed O.S.No.730 of 2001 on the file of 1st Senior Civil Judge, Ranga Reddy against the District Collector and sought injunction. Further it also came to know that the defendants also filed O.S.No.581 of 1994 on the file of 1st Senior Civil Judge, Ranga Reddy basing on a false fabricated agreement of sale dated 13.06.1973 and obtained a fraudulent decree from the Court. Basing on the said decree obtained by fraudulent manner the defendant society got a sale deed on 15.04.1996 vide document No.2548 of 1996 through process of the Court. As the sale deed No.2548 of 1996 is result of fraud it is not binding and liable to be canceled and thereby

the suit is not maintainable without prior notice as required under section 126 of A.P. Cooperative Societies Act, 1964.

20. The 1st defendant of the suit in O.S.No.588 of 2022 (O.S.No.898 of 2001) denied the suit claim by filing detailed written statement wherein constitution of Sahara Real Estate Management and consultancy under deed dated 16.09.1974 and also pooling of 340 Acres of land in Sy.No.1007 of Kukatpally into partnership property is denied.

21. It is the specific case of the defendant No.1 that Mr. Hashim Ali never exercised ownership and possessory rights over the un-acquired land of Ac.349.24 Gts thereby alleged gift (HIBA) in favour of his relatives is concocted one. Even the alleged compromise in O.S.No.122 of 1973 on the file of the 1st Additional Chief Judge, City Civil Court, Hyderabad is also collusive and never intended to be acted upon and never acted upon. Even the dispossession of Mr. Hashim Ali and his donees and subsequent delivery of possession is also not evident from the Memo of compromise. Thus the possession was never delivered to Hashim Ali. If at all, legal heirs of Mr Nawab Mir Rayees Yar Jung Bahadur have confirmed the ownership of Mir. Hashim Ali, then he could have done some acts in terms thereof

to secure rights over the property, but from 1972 to till now, he failed to take such steps. As per the A.P. Land Reforms Act, 1975 any person who holds more than 10 acres of agricultural land has to file a declaration to that effect. Though he holds 350 acres, no such declaration is filed by Hashim Ali and his donees. Other defendants also filed written statements in detail denying and claiming the properties on various grounds and the plaint was also amended. After amending the plaint additional written statements also filed by the defendants and the plaintiff also filed rejoinder by giving reply to the allegations made in the written statement of defendant Nos.4 to 11.

22. There are four suits vide O.S.Nos.588, 589, 590 and 591 of 2022 with similar pleadings. Basing on an order of the Court the four suits were clubbed and common evidence is being recorded in O.S.No.588 of 2022. Further, all the petitions are filed under Order 16 Rule 5 and 6 R/w 151 of C.P.C.

23. According to the respondents/defendants, there is no original of Ex.A-42 sale deed and it is never executed in favour of one Hashim Ali and thereby, they are seeking production of the original record relating to of Ex.A-42 from SRO, Red-Hills, Hyderabad.

24. The contention of the revision petitioner/plaintiff is that Hashim Ali was aged about two years at the time of transaction and therefore the document was in possession of grandparent and later it was given to his father, as such he was never in possession of the original. Therefore, they filed certified copy of the document.

25. I.A.No.286 of 2023 is filed by the defendants in the suit to summon the original record pertaining to Volume No.IV (Sl.No.785) in relation to the Document No.707 of 1952 on the file of Sub-Registrar, Red-Hills, Nampally, Hyderabad.

26. The main contention of respondents/defendants is that the suit is filed basing on Ex.A.42 sale deed, whereas the plaintiff has filed certified copy. As Ex.A.42 is not the original document, the defendants are disputing the signature of Hashim Ali on it. As such, they requested the Court to summon the original record from the Sub-Registrar Office, Red-Hills, Nampally, Hyderabad.

27. The contention of learned counsel for the revision petitioner/plaintiff is that the document is of the year 1952 and the defendants are very much aware of the said document from the year 2001. They have not disputed the said document from

the year 1952 or even from the year 2001. Learned counsel further submitted that Sri Mir Fazeelath Hussain suffered decree in O.S.No.122 of 1973, as such, the respondent No.1/defendant No.1 has knowledge of sale deed vide document No.707 of 1952 and by filing petitions, they are attempting to have detailed parallel trial, unconcerned and unconnected with the present batch suits.

28. The defendants are disputing the thumb impression on Ex.A.42 and they have also requested the Court to send the said document for Forensic examination. The certified copy cannot be sent for forensic examination, but the original document should be sent to the forensic examination. When the plaintiff is relying on Ex.A.42 which is a certified copy, there is no illegality in disputing the said document by the defendants. Further, the plaintiff also contended that as the document is more than 30 years old, presumption under Section 90 of the Indian Evidence Act has to be taken, but, it is not the stage to raise presumption, it is only an interlocutory application filed by the defendants for summoning the document from the Sub-Registrar office. Therefore, there is no illegality in the order of the trial Court in summoning the original document No.707 of 1952 from the Sub-Registrar Office, Red Hills, Nampally,

Hyderabad. Hence, the order of the trial court in I.A.No.286 of 2023 is confirmed.

29. The respondents/defendants also filed I.A.No.287 of 2023 under Order XVI Rules 5 & 6 r/w.151 of CPC to summon the entire record from Central Forensic Laboratory, Hyderabad pertaining to FIR No.305 of 2014 on the file of P.S. KPHB, Kukatpally. I.A.No.288 of 2023 was filed under Order XVI Rules 5 and 6 r/w.151 of CPC to summon the entire record from XIX Metropolitan Magistrate-cum-AJCJ, Kukatpally, pertaining to FIR No.305 of 2014 on the file of P.S. KPHB, Kukatpally. Though a complaint is given vide FIR No.305 of 2014, disputing the document, later the complainant compromised the matter and got the said FIR quashed.

30. According to the respondents herein, the record still proves that the document is fabricated and forged, whereas the contention of the revision petitioner is that the FIR was quashed in view of the compromise entered into between the parties and it is also affirmed by the Hon'ble Supreme Court. Therefore, calling the said record is nothing but reopening the case. As such, prayed the Court to set aside the order of the trial Court.

31. The contention of the respondents/defendants is that though the said FIR was quashed in view of compromise, no compromise order was filed by the revision petitioner/plaintiff in the Court. Therefore, summoning the record of FIR from the Court and from police Station is not illegal as they want to prove the alleged forgery made by the plaintiff firm. If the case record pertaining to FIR No.305 of 2014 is called from the XIX Metropolitan Magistrate-cum-AJCJ, Kukatpally, no prejudice would be caused to the revision petitioner.

32. As seen from the record, the said FIR was quashed by this Court vide order dated 28.01.2019 and the same was assailed by the family members of the impostor Mir Abbas Ali Khan and others before the Hon'ble Supreme Court and the same was dismissed, vide order dated 15.03.2021 in SLP (Crl) Diary No.28139 of 2020 which is also marked as Ex.A.90 in the batch suits. Now, the respondents herein cannot call for the said record as it amounts to reopening of FIR No.305 of 2014 on the file of P.S. KPHB. The learned counsel for the respondents herein relied on the judgment of this Court in **Sunder Vs Mohd.**

Ismail and Others¹, wherein, in Paras 9 and 10 it was held as under :

“9. It is needless to observe that the 1st respondent herein filed a detailed counter inter alia contending that no such letter has been ever executed by him in favour of the petitioner. The 1st respondent in toto denied the execution of any such consent letter. On the other hand, the respondent contended that the petitioner is set up by the 2nd respondent in order to frustrate the execution of the compromise decree obtained by him against the 2nd respondent. The petitioner is none other than the cousin brother of the 2nd respondent. Both of them have colluded together in order to deprive the valuable rights accrued to him under the compromise decree, is the case of the 1st respondent set up by him before the Trial Court.

10. The learned trial Judge after an elaborate consideration of the matter and referring to all the relevant facts and circumstances, came to the conclusion that the application filed by the petitioner herein lacks bona fides and the same has been filed only to protract the proceedings in the claim petition.”

33. In view of the observations made in the above judgment, in the present case, when the FIR itself was quashed, the question of summoning the document from the police station does not arise and the respondents have also requested the Court to summon the document from the Forensic Laboratory. The said aspect can be considered by the trial Court at

¹ AIR 2004 AP 538

appropriate stage, if the matter requires said document. As such, the trial Court order summoning the document from the concerned police and from the Forensic Laboratory is nothing but reopening the FIR which is quashed by this Court and as affirmed by the Hon'ble Supreme Court. As such, the order of trial Court in I.A.Nos.287 of 2023 and I.A.No.288 of 2023 are set aside.

34. Further, the respondents herein have also filed I.A.No.289 of 2023 under Order XVI Rules 5 and 6 r/w.151 of CPC to summon the entire record including the statement of account pertaining to the bank account No.35423850732, State Bank of India, Film Nagar Branch of Sri Siddharth Infratech and Services (I) Private Limited. The contention of the respondents is that the said Sri Siddharth Infratech and Services (I) Private Limited transferred an amount of Rs.8 Crores from the above said account to Hashim Ali for compromising the matter in FIR No.305 of 2014 which is a partner of plaintiff firm and in order to analyze the facts relating to fraud played by the plaintiff, summoning the said statement of account is necessary. Though Sri Siddharth Infratech and Services (I) Private Limited is not a party to the suit, the alleged FIR No.305 of 2014 was quashed in CrI.P.No.6007 on 28.01.2019. According to the plaintiff, the

said FIR was quashed on the ground of compromise which took place in the year 2019 and Sri Siddharth Infratech and Services (I) Private Limited is not a party to the suit. Further the contention of revision petitioner is that the said Sri Siddharth Infratech and Services (I) Private Limited is no way concerned with the suit and calling for the statement of account of the said Sri Siddharth Infratech and Services (I) Private Limited is nothing but abuse of process of law and the trial Court without considering the same, erroneously passed the order calling for the bank account by observing that the same does not cause any prejudice to the revision petitioner.

35. It is the contention of respondents herein that the said Sri Siddharth Infratech and Services (I) Private Limited transferred the amount to Hashim Ali, but nothing is mentioned how the said fact is necessary to this case who is a stranger to the proceedings. Further, when the said FIR was quashed by this Court and as affirmed by the Hon'ble Supreme Court in the SLP, calling for record is nothing but abuse of process of law, simply observing that not causing prejudice to the revision petitioner is not a ground to call for the statement of account. As such, the order of the trial Court in I.A.No.289 of 2023 is hereby set aside. Accordingly, all the Civil Revision Petitions are partly allowed.

36. C.R.P.No.1128 of 2023 which is filed challenging the docket order 04.04.2023 has no merits as inspite of giving sufficient time to the defendants 4 to 11 to cross-examine Pw.1, they failed to do so. There is no illegality in the order of trial Court as there is a direction from the Hon'ble Supreme Court for early disposal, rightly posted the matter for cross examination of Pw.1. That being so, the relief seeking to set aside the said docket order cannot be granted. C.R.P.No.1128 of 2023 is dismissed. The interim order dated 23.06.2023 granted by this Court stands vacated. The trial Court is directed to proceed with the trial in accordance with law.

37. In view of the above discussion, C.R.P.No.2096 of 2023 is allowed setting aside the common order dated 19.07.2023 passed in I.A.No.287 of 2023 in O.S.No.588 of 2022 to 591 of 2022 by the Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally.

38. C.R.P.No.2100 of 2023 is allowed setting aside the common order dated 19.07.2023 passed in I.A.No.288 of 2023 in O.S.No.588 of 2022 to 591 of 2022 by the Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally.

39. C.R.P.Nos.2101 and 2102 of 2023 are allowed setting aside the common order dated 19.07.2023 passed in I.A.No.289 of 2023 in O.S.No.588 of 2022 to 591 of 2022 by the Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally.

40. C.R.P.No.2098 of 2023 is dismissed confirming the common order dated 19.07.2023 passed in I.A.No.286 of 2023 in O.S.No.588 of 2022 to 591 of 2022 by the Senior Civil Judge, Medchal-Malkajgiri District at Kukatpally. No costs. Miscellaneous applications, if any, pending shall stand closed.

K. SUJANA, J

Date:05.07.2024

Gvl/Rds

Note : L.R.Copy to be marked

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