

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**FRIDAY, THE EIGHTEENTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE T.VINOD KUMAR**

**CIVIL REVISION PETITION NO: 2354 OF 2023**

Petition under Article 227 of the constitution of India aggrieved by the Order dated 10.07.2023 passed in I.A. No.76 of 2023 in C.O.S. No.14 of 2017 on the file of the court of the Special Judge for Trial and Disposal of Commercial Disputes, R.R. Dist at L.B. Nagar.

**Between:**

M/s. Venkateshwara Associates, Authorized Stockiest/Distributors for Hero Moto Corp Ltd., Rep by its Head of Operations, Mr. Jayteerth Murlidhar S/o. Murlidhar Salubandi, Aged about 55 Yrs, R/o. Ware House and Office Situated at D-11, IDA, Uppal, R.R. Dist. Reg Office Situated at 3-5-121, Eden House Apartment, Ramkote, Hyderabad - 500001.

**...Petitioner/Plaintiff**

**AND**

1. M/s. G K Spares, Rep by its Proprietor, Sri Mr. Bilal Khan, S/o. Mehtab Khan, Aged about 30 years, Occ. Business, Office at. H.No. 5-7-314 to 319 and 31911, Aghapura, Hyderabad, T.S.

**...Respondent/Defendant No.1**

2. M/s. G K Spares Plaza, Rep by its Proprietor, Mr. Zafar Khan, S/o. Late Mehtab Khan, Office at. H.No. 5-7-314 to 319 and 31911, Aghapura, Hyderabad, T.S.
3. Mr. Zafar Khan, S/o. Late Mehtab Khan, Aged about major, Occ. Business, Office at. H.No. 5-7-314 to 319 and 319/1, Aghapura, Hyderabad, T.S.

**...Respondents/Proposed Defendants No.2 & 3**

**IA NO: 2 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to extend the interim orders Dt. 14-08-2023, passed In I.A. No. 1 of 2023, in CRP. No. 2354 of 2023.

**IA NO: 1 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in C.O.S. No. 14 of 2017, on the file of the Court of the Special Judge For Trial And Disposal of Commercial Disputes, R.R. Dist At L.B. Nagar, Pending disposal of the above CRP.

**Counsel for the Petitioner : Sri P Raghu Ram representing Sri M Vijaya Kanth**

**Counsel for the Respondents: Sri V Venkata Mayur**

**The Court made the following: ORDER**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE T.VINOD KUMAR**

**CIVIL REVISION PETITION No.2354 of 2023**

**ORDER:** *(Per the Hon'ble Sri Justice T. Vinod Kumar)*

Heard Mr. P. Sri Raghu Ram, learned Senior Counsel representing Mr. M. Vijay Kanth, learned counsel for the petitioner and Mr. V. Venkata Mayur, learned counsel for the respondents.

2. The petitioner is the plaintiff in the suit C.O.S.No.14 of 2017 filed against the first respondent herein for recovery of money.

3. In the aforesaid suit, the petitioner had filed the underlying interlocutory application under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, 1908, for impleadment of proposed respondent Nos.2 and 3 as defendant Nos.2 and 3 in the said suit.

4. The petitioner contends that the proposed respondents are necessary parties to the suit as they have taken over the liabilities of the 1<sup>st</sup> respondent herein towards

petitioner and as such the proposed respondents are required to be brought on record.

5. The petitioner further contends that the trial Court, however, went on to reject the aforesaid application stating that mere oral assertion of the petitioner that respondent Nos.2 and 3 are liable to pay the suit claim amount is not a ground to implead them as defendants in the aforesaid suit without taking note of the petitioner had sought for impleadment of proposed respondent on account of MoU dated 23.12.2015.

6. However, a perusal of the order of the trial Court does not indicate the Court recording any cogent reason for rejecting the claim of the petitioner without considering that only upon impleadment of respondent Nos.2 and 3, it is for the petitioner to establish his case in the trial and the said issue cannot be gone at the stage of deciding an interlocutory application filed for impleadment of the proposed respondents.

7. For the said reason, this Court is of the view that the order passed by the learned trial judge cannot be sustained.

8. Accordingly, the civil revision petition is allowed setting aside the order dated 10.07.2023 in I.A.No.76 of 2023 in C.O.S.No.14 of 2017 passed by the learned Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District, L.B. Nagar and the trial Court is directed to implead the respondent Nos.2 and 3 herein as defendant Nos.2 and 3 in the suit C.O.S. No.14 of 2017 and proceed to adjudicate the same.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

Sd/- A.V.S. PRASAD  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judge for Trial and Disposal of Commercial Disputes, R.R. Dist at L.B. Nagar
2. One CC to Sri M Vijaya Kanth, Advocate [OPUC]
3. One CC to Sri V Venkata Mayur, Advocate [OPUC]
4. Two CD Copies

ADK/gh

**HIGH COURT**

**DATED:18/10/2024**

**ORDER**

**CRP.No.2354 of 2023**



**ALLOWING THE CRP  
WITHOUT COSTS**

⑥ copies  
28/10/24  
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