

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

**FRIDAY, THE THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

COMMERCIAL COURT APPEAL NO: 43 OF 2021

Commercial Court Appeal Under Section 13 (1) (A) of the Commercial Courts Act, 2015 r/w. Order 43 CPC against the order dated 5-10-2021 in I.A.No. 246 of 2021 in C.O.P.No. 05 of 2021 on the file of the Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District, at L.B.Nagar.

Between:

Y. Jaihind Reddy, S/o. Raji Reddy, Aged 69 years, Occ: Business, R/o. 8-3-229/1/D/26, Sravanthi Nagar, Venkatagiri, Yousufguda, Hyderabad

...APPELLANT/ Respondent No. 2

AND

- 1. M/s Meenakshi Infrastructures Pvt. Ltd., having its Regd. Office at Plot No.119, Road No.10, Jubilee Hills, Hyderabad, Rep. by its Authorised Signatory, Sri P.Ramakrishna, S/o. late P. Ganga Raju, Aged 47 years .. Respondent / Petitioner**
- 2. Y.Anthi Reddy, S/o. Raji Reddy, Aged 78 years, Occ: Agriculture, R/o. Tirumalagiri P A Pally, Dugyala, Peda Adisarlapally, Nalgonda, T.S.**
- 3. Y.Pratap Reddy S/o Raji Reddy, Aged 54 years, Occ: Business, R/o. H.No.8-3-833/174, Yellareddyguda, Hyderabad, Telangana**
- 4. Y.Rajeev Reddy, S/o. Jaihind Reddy, Aged 45 years, Occ: Advocate, R/o. H.No.8-3-229/D/1/26 , Sravanthi Nagar, Venkatagiri, Yousufguda, Hyderabad**
- 5. Smt. Y.Neerja, D/o. Jaihind Reddy, Aged 45 years, Occ: Business, R/o. H.No.8-3-229/D/1/26 , Sravanthi Nagar, Venkatagiri, Yousufguda, Hyderabad.**
- 6. Smt. Y.Niveditha, D/o. Jaihind Reddy, Aged 44 years, Occ: Business, R/o. H.No.8-3-229/D/1/26 , Sravanthi Nagar, Venkatagiri, Yousufguda, Hyderabad.**
- 7. Mrs. Y.Neelima, D/o. Y.Pratap Reddy, Aged 34 years, Occ: House wife, R/o. Plot No.174, Phase II, Behind Kamalapuri Colony Association Building, Kamalapuri Colony, Hyderabad**

8. Y.Rajashekar Reddy, S/o. Y.Pratap Reddy, Aged 32 years, Occ: Business, R/o. Plot No.174, Phase II, Behind Kamalapuri Colony Association Building, Kamalapuri Colony, Hyderabad.
9. Y.Kalyani, D/o. Y.Pratap Reddy, Aged 29 years, Occ: Student, R/o. Plot No.174, Phase II, Behind Kamalapuri Colony Association Building, Kamalapuri Colony, Hyderabad.

...RESPONDENTS/ Respondent Nos. 1, 3 to 9

IA NO: 1 OF 2021

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 grant stay of all further proceedings in C.O.P.No.5 of 2021 on the file of the Special Court for Trial and Disposal of Commercial Disputes, Ranga Reddy at L.B. Nagar, pending disposal of the above COM.C.A.

**Counsel for the Appellant: SRI J. PRABHAKAR, SENIOR COUNSEL FOR
SRI RAGOLLA HARISH**

Counsel for the Respondent No.1: SRI SRINIVAS VELAGAPUDI

The Court delivered the following JUDGMENT :

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

COMMERCIAL COURT APPEAL No.43 of 2021

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. J.Prabhakar, learned Senior Counsel representing Mr. Ragolla Harish, learned counsel for the appellant.

Mr. Srinivas Velagapudi, learned counsel for respondent No.1.

2. With consent of learned counsel for the parties, the appeal is heard finally.

3. This appeal under Section 13(1)(A) of the Commercial Courts Act, 2015 has been filed against an order dated 05.10.2021 passed by the Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District, at L.B.Nagar (hereinafter referred to as 'the Commercial Court') in I.A.No.246 of 2021 in C.O.P.No.5 of

2021, by which application preferred by the appellant under Order VII Rule 11 of Code of Civil Procedure, 1908 in a petition filed by the respondent under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') has been rejected.

4. Learned Senior Counsel for the appellant submits that the petition under Section 9 of the Act filed by respondent No.1 is still pending. It is therefore submitted that the appellant be granted the liberty to urge the contention with regard to maintainability of the petition under Section 9 of the Act while arguing the petition itself and the appeal be disposed of with a direction to the Commercial Court to decide the petition filed by respondent No.1 expeditiously.

5. The aforesaid prayer has not been opposed by learned counsel for respondent No.1.

6. In view of aforesaid submissions and in the facts and circumstances of the case, the appeal is disposed of with the direction to the Commercial Court to decide the

petition filed by respondent No.1 under Section 9 of the Act expeditiously, preferably within a period of one (01) month from today. Needless to state that it will be open for the appellant to raise an objection with regard to maintainability of the petition under Section 9 of the Act on the ground of jurisdiction and the Commercial Court shall decide the issue with regard to jurisdiction without the influence of the observations contained in the order dated 05.10.2021. It is further made clear that this Court has not expressed any opinion on merits of the claim of the parties.

7. Accordingly, the appeal is disposed of.

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

Sd/- A.V.S.S.C.S.M. SARMA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District, at L.B.Nagar.
2. One CC to SRI. RAGOLLA HARISH, Advocate [OPUC]
3. One CC to SRI. SRINIVAS VELAGAPUDI, Advocate [OPUC]
4. Two CD Copies

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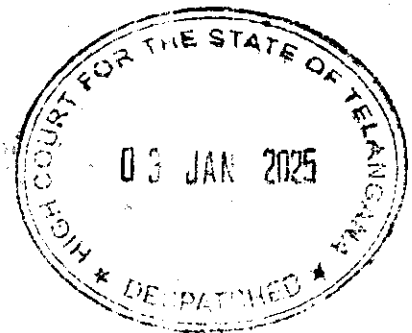


HIGH COURT

DATED: 03/01/2025

JUDGMENT

COMMERCIAL COURT APPEAL No.43 of 2021



DISPOSING OF THE APPEAL WITHOUT COSTS

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RMA

03/1/2025