MEMORANDUM OF CIVIL REVISION PETITON

UNDER SECTION 115 OF CIVIL PROCEDURE CODE / 227 OF THE CONSTITUTION OF INDIA

BEFORE THE XIV ADDL. CHIEF JUDGE, CITY CIVIL COURT AT : HYDERABAD

IA 598 OF 2025

IN

OS NO. 211 OF 2025

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT : HYDERABAD

**C.R.P. NO. …….2025**

Between :

GSG BUILDERS & INFRASTRUCTURE LIMITED

A company registered under Companies Act, 2013,

Having its office at GS Plaza, Plot No.4, H. NO. 8-2-672,

Road NO.1, Banjara Hills, Hyderabad – 500 034

Represented by its Authorised Signatory, Mr. Manoj Sharma

…. Petitioner / Respondent / Defendant

And

Reliance Projects & Property Management Services Limited

A company registered under Companies Act, 2013

Having its Registered Office at Office – 101, Saffron,

Near Centre Point, Panchwati 5 Rasta, Ambawadi

AHMEDABAD – 380 006, Gujarat State

Regional Office at : Meenakshi Tech Park, G + 7 Floors,

Block A, SurveyNo.38 & 39, Gachibowli,

Hyderabad – 500 032, Telangana

Represented by its Authorised Signatory, Shaikh Fahad,

Assistant Vice President

… Respondent / Petitioner / Plaintiff

The address for service of all Notices, process and summons of the above said Petitioner is that of its Counsel Venkat Prasad Ukkalam (18917), Sunil Kumar Palnitkar, S. Amruth Kiran (21581) , V. Srinivas (21451), Advocates, Plot No.4, 8-2-672, G.S. Plaza, 4th Floor, Road No.1, Banjara Hills, Hyderabad – 500 034.

The above named Petitioner begs to present this Memorandum of Civil Revision Petition to this Hon’ble Court against the order passed by the Hon’ble XIV Addl. Chief Judge, City Civil Court, Hyderabad dated 2.5.2025 for the following among other :

**GROUNDS**

1. The order of the Court below is contrary to facts and law and has been passed without jurisdiction.
2. The Court below ought to have seen that the suit filed by the Respondent ought to have been filed in the Commercial Court as the dispute between the Petitioner and the Respondent is a commercial dispute as defined under Sec.2(1)(c)(vii) of the Commercial Courts Act, 2015.
3. The Court below ought to have observed that as per Sec. 3 of the Commercial Courts Act, 2015 if the pecuniary value of any claim in suit is above Rs.3 lakhs, such suit has to be mandatorily filed in the jurisdictional Commercial Court and not in any regular courts, as per the latest amendment to the Commercial Courts Act, 2015 vide Act 28 of 2018.
4. The Court below ought not to have passed the order under Order XXXVIII Rule 5 relating to attachment before Judgment without hearing the other side, as this is a suit for recovery of Rs.53,16,057/-
5. The Court below ought not to have passed the order dt. 2.5.2025 against the Petitioner herein, thereby without Jurisdiction  **“directing / commanding the Bailiff, City Civil Court, Hyderabad to call upon the Petitioner / Defendant within 48 hours either to furnish security for a sum of Rs.53,60,057/- to produce and place at the disposal of this Court when required or the value thereof or such portion of the value as may be sufficient to satisfy any decree that may be passed against the Petitioner, or to appear and show cause why the Petitioner should not furnish security ; and you are further ordered to attach the property mentioned herein and to keep the same under safe and secure custody until further orders of this Court and you are further commanded to return this warrant on or before 9.6.2025 with an endorsement certifying the date on which and the manner in which it has been executed or the reasons why it has not been executed.”**
6. The Court below as per the Order dated 2.5.2025 passed order directing the Petitioner to furnish security for Rs.53,16,057/-, i.e., the suit amount or to appear and show cause as to why security shall not be furnished by the Petitioner herein and in addition to the above direction, the Court further directed the Bailiff to attach the property which is leased out by the Petitioner to the Respondent. The said order is very erroneous and arbitrary . As per the directions of the Court below, after receipt of the copy of the order through Bailiff on 14.5.2025, the Petitioner herein filed objection in the Vacation Court on 14.5.2025 by filing Review Petition against the said IA No. 598/2025 and again on 16.5.2025 by way of out of order. In spite of that the bailiff has affixed the said order on the schedule premises which affected the reputation of the petitioner.
7. The Court below has failed to pass proper order after hearing the Petitioner herein, but has posted the matter to 5.6.2025 before another Vacation Court. The Court failed to observe that the Advocate on record, Mr. Veera Shiva Kumar refused to take notice of the Review Petition which is against the ethics of a Practising Advocate and the Petitioner reserves its right to file complaint against the said Advocate in the Bar Council of Telangana.
8. The Court below ought to have observed that when the matter came up for hearing before the other Vacation Court, the other side Advocate upon serving of notice through e-mail has failed to attend the Hon’ble Vacation Court and the Court below ought to have heard the Counsel for Petitioner herein, as the Order dated 2.5.2025 is bad in law as it is without jurisdiction.
9. The Court below ought not to have granted an ex-parte order dated 2.5.205 under Order 38 Rule 5 read with Sec. 151 CPC against the Petitioner without following settled principals of hearing the other side.
10. The Court below has committed an error in directing the Bailiff to call upon the Defendant to furnish security which is against the provisions of Order XXXVIII Rule 5 which states that the Court shall direct the Defendant therein to furnish security and give other directions, if any.
11. The Petitioner shall rely upon other grounds at the time of arguments.
12. Value of the CRP is more than Rs.1,000/- and hence fixed court fee of Rs.100/- is paid herewith.

Therefore, it is prayed that this Hon’ble Court may be pleased to suspend the Order dated 02.05.2025 passed by the XIV Addl. Chief Judge, City Civil Court, Hyderabad pending the present Civil Review Petition and pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.

Hence, it is prayed that this Hon’ble Court may please call for records of IA/598/2025 in OS No.211/2025 and set aside the order dated 2.5.2025 passed in IA 598/2025 and pass such other order or orders as this Hon’ble Court deems fit and proper in the facts and circumstances of the case.

Place : Hyderabad COUNSEL FOR THE PETITIONER

Date : 23-5-2025