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

FRIDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL**

**THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR**

**CIVIL REVISION PETITION NO: 416 OF 2025**

Petition Under Article 227 of the constitution of India against the Order dated 24-01-2025 Passed in I.A. No. 1164 of 2024 in I.A. No. 1158 of 2021 in O.S. No. 266 of 2021 on the file of the Court of the III Additional District and Sessions Judge-cum-II Additional Metropolitan Sessions Judge-Cum-Principal Family Court, Medchal-Malkajgiri District at Kukatpally.

**Between:**

M/S. SUVISHAL POWER GEN LTD, a company Registered under the provisions of the Companies Act, 1956, having its Registered Office At 9-1-83 and 84, A.C. Sharma Complex, SD Road, Secunderabad, rep. by its authorized signatory, Mr. R.S. Sarma S/o. Late P. Venkateshwarlu, Aged about 82 years, Rio. Flat No. 1, Sree Apartment, Gandhi Nagar, Hyderabad.

**...PETITIONER/PETITIONER/ PLAINTFF**

**AND**

M/S. SATYA SAI CO-OP. HOUSING SOCIETY LTD., TBC No. 394, Hydernagar, Kukatpally, Medchal-Malkajgiri District, rep. by its Special Officer person in-charge Committee, Mr. J. Ramachandra, Assistant Registrar, Malkajgiri Circle.

**...RESPONDENT/RESPONDENT/DEFENDANT**

**IA NO: 1 OF 2025**

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 is O.S.No.266 of 2021 on the file of Hon'ble III Additional District & Sessions Judge cum -II Additional Metropolitan Sessions Judge Cum — Principal Family Court, Medchal-Malkajgiri District at Kukatpally, pending disposal of the Civil Revision petition.

**Counsel for the Petitioner: SRI P PRATAP**

**Counsel for the Respondent: SRI KAKARA VENKATA RAO**

**The Court made the following: ORDER**

**THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL**
**AND**
**THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR**

**CIVIL REVISION PETITION No.416 OF 2025**

**ORDER:** *(Per Hon'ble The Acting Chief Justice)*

This petition filed under Article 227 of the Constitution takes exception to the order dated 24.01.2025 in I.A.No.1164 of 2024 in I.A.No.1158 of 2021 in O.S.No.266 of 2021 on the file of III Additional District and Sessions Judge-cum-II Additional Metropolitan Sessions Judge-cum-Principal Family Court Judge, Medchal-Malkajgiri District at Kukatpally ('trial Court'), whereby the application filed by the petitioner/plaintiff under Section 151 of Civil Procedure Code ('C.P.C') for ignoring the counter affidavit filed by Sri G. Subrahmanyam by claiming himself as authorized person from the District Cooperative Officer on behalf of the respondent/defendant Society, was dismissed.

2. The trial Court dismissed the said application by way of the impugned order by holding that by communication dated 08.10.2024 (Ex.P-2), the District Cooperative Officer has given authorization to the said person and the said order was not called in question. Sri G. Subrahmanyam is a Government Official and member appointed by way of Ex.P-2 and therefore, no application

under Rule 32 of the Civil Rules of Practice was required to be filed.

3. Criticizing the said finding, Sri Vedula Srinivas, learned Senior Counsel representing Sri P. Pratap, learned counsel for the petitioner submits that only authorization existing on the relevant date is communication dated 08.10.2024. This communication cannot be treated as a valid authorization because this is a letter written by the District Cooperative Officer to the counsel wherein he authorized Sri G. Subrahmanyam to sign vakalath and contest in O.S.No.266 of 2021. There exists no authorization is evident from letter issued under Right to Information Act, 2005, dated 25.10.2024 (Ex.P-1), wherein the Department admitted that no authorization is given to the Society members for filing counters in O.S.No.266 of 2021.

4. Furthermore, it is submitted that as per Section 32(7) of the Telangana Co-operative Societies Act, 1964 and Rule 32 of the Civil Rules of Practice, Sri G. Subrahmanyam could not be treated to be authorized person to oppose the present suit.

5. It is further submitted that along with counter G.O.Rt.No.42, dated 01.02.2025 and proceedings in R.C.No.2859/2017-H, dated

01.03.2025 are filed before this Court, but these authorizations were admittedly not available as on the date of passing of the impugned order. This subsequent authorization will not make any difference because admittedly as on the date of passing of the impugned order, there existed no such valid authorization.

6. Sounding a *contra* note, Sri P. Sri Raghu Ram, learned Senior Counsel representing Sri Kakara Venkat Rao, learned counsel for the respondent, submits that the arguments are hyper technical in nature. Since the elected body of the Society was not functioning, Sri G. Subrahmanyam, a Government Official was appointed to take care of the Society. Thus, he is representing the Society itself and cannot be treated as an agent of the Society. In other words, he was representative of the Society duly authorized by the Department and hence, Rule 32 of the Civil Rules of Practice is inapplicable.

7. Apart from this, the authorization is an in-house mechanism between Department and its Officer. The communication dated 08.10.2024 (Ex.P-2) shows that the District Cooperative Officer has authorized Sri G. Subrahmanyam. Later on, the Government on 01.02.2025 through G.O.Rt.No.42 authorized the same Officer

along with two more persons w.e.f. 14.07.2024 for acting as Person-In-Charge Committee of the Society. The same is followed by proceedings in Rc.No.2859/2017-H, dated 01.03.2025. The authorization is given with retrospective effect. For all these reasons, no interference may be made.

8. No other point is pressed by the learned counsel for the parties.

9. We have bestowed our anxious consideration to the rival contentions of the parties and perused the record.

10. It is not in dispute that the elected body of the Society was not functioning and therefore, Sri G. Subrahmanyam, a Government Official was appointed to represent the Society. Thus, we find substance in the argument of Sri P. Sri Raghu Ram, learned Senior Counsel for the respondent, that the said Officer was not acting as an agent, instead he was representing the Society. Thus, Rule 32 of the Civil Rules of Practice was not required to be followed and in this regard, no fault can be found in the order of the trial Court.

11. So far, the information under Right to Information Act, 2005, dated 25.10.2024 is concerned, no doubt it reflects that no authorization was given to Society members to contest O.S.No.266 of 2021. However, no argument is advanced doubting the genuineness of document dated 08.10.2024 (Ex.P-2), whereby the District Cooperative Officer authorized Sri G. Subrahmanyam. Although, such authorization is through a communication between the District Cooperative Officer and Sri K. Venkat Rao, Advocate.

12. Through, G.O.Rt.No.42, dated 01.02.2025, the Government gave authorization to the same person i.e., Sri G. Subrahmanyam along with two other persons. This authorization is given with retrospective effect from 14.07.2024. Thus, even assuming that any hyper technical defect could be traced in the authorization which was existing as on the date impugned order was passed, the same pales into insignificance in view of due authorization from G.O.Rt.No.42, dated 01.02.2025 w.e.f. 14.07.2024.

13. In view of the above, we find no reason to interfere with the impugned order dated 24.01.2025. Petition fails and is hereby

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

**SD/- N. SRIHARI**
**DEPUTY REGISTRAR**

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**SECTION OFFICER**

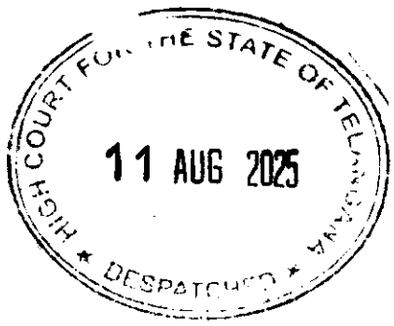
**To,**

1. III Additional District and Sessions Judge-cum-II Additional Metropolitan Sessions Judge-Cum-Principal Family Court, Medchal-Malkajgiri District at Kukatpally.
2. One CC to SRI P PRATAP, Advocate [OPUC]
3. One CC to SRI KAKARA VENKATA RAO, Advocate [OPUC]
4. Two CD Copies

SS/gh

HIGH COURT

DATED:04/04/2025




ORDER

CRP.No.416 of 2025

DISMISSING THE C.R.P.

WITHOUT COSTS

(6) RA 4/7/25