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for Intervenor Mr. Jayant Bhushan, Sr. Adv.  
Mr. Karan Batura, Adv.  
Mr. Dipanshu Krishan, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. This litigation has somewhat a chequered history. The SLP (C) No.7015/2022 which has been notified today before us for final hearing arises from the judgment and order passed by the High Court for the State of Telangana dated 21.09.2021 in Application No. 5 of 2020 in Application No. 837 of 2013 in Civil Suit No. 7 of 1958.

2. The applicants before the High Court are the respondents before us. The High Court vide its judgment and order, referred to above, allowed the Application No. 5 of 2020, preferred by the respondents herein seeking to recall the final decree dated 19.09.2013 passed in Civil Suit No. 7 of 1958.

3. The operative part of the judgment passed by the High Court reads thus:-

*"115. For the aforesaid reasons, we allow Application No. 5 of 2020 and recall the final decree dt. 19-09-2013 in Application No. 837 of 2013 in C.S.No. 7 of 1958 and hold that the said final decree was obtained by playing fraud upon the Court.*

*116. We however wish to clarify that this order shall not enure to the benefit of State Government of Telangana since its direct challenge to the final decree dt. 19-09-2013 in Application No.837 of 2013 in C.S. No. 7 of 1958 was rejected when O.S. 1. (SR) No. 3744 of 2014 was dismissed on 22-12-2020 along with its applications for condonation*

*of delay in filing the said Appeal. So the State of Telangana shall not have any claim over the land in Sy.No. 57 of Shamsguda village is concerned.*

*117. It is again made clear that we have not held that the applicants in Application No. 5 of 2020 have established their right, title and interest in the land in Sy.No. 57 of Shamsguda village, and whatever observations and findings are given in this order as regards them are only to determine their locus to file this application and not for any other purpose. The inter se claims between the parties need to be determined in the main suit."*

4. The above referred judgment and order passed by the High Court came to be challenged before this Court by way of SLP(C) No.7015/2022 and this Court vide the judgment and order dated 23.08.2022 allowed the appeal and thereby set aside the judgment and order passed by the High Court.

5. The original applicants before the High Court (respondents in the present SLP) preferred a Review Petition (Civil) No.1333 of 2022 on certain grounds.

6. The Review Petition was taken up for hearing and the same came to be disposed of by this Court vide the order dated 22-10-2024 in the following terms:-

*"1 Mr V Giri, senior counsel, appears on behalf of the review petitioners. Mr Dushyant Dave, senior counsel, appears on behalf of the first respondent, who is the original petitioner in the Special Leave Petition [SLP(C) No 7015 of 2022]. Mr C A Sundaram, senior counsel, appears on behalf of the second respondent. Mr Amit Sibal, senior counsel, appears on behalf of the third respondent.*

*2 The second and third respondents have supported the review petitioners.*

*3 Leave was granted and the appeal was allowed by a judgment and order dated 23 August 2022.*

*4 Mr Dushyant Dave, senior counsel appearing on behalf of*

*the first respondent, fairly states that, by consent, the judgment and order dated 23 August 2022 may be recalled without the expression of any opinion on the merits of the rival submissions.*

*5 Counsel appearing on behalf of the review petitioners and for the second and third respondents to the review petition have no objection to this course of action.*

*6 Accordingly, the judgment and order dated 23 August 2022 is recalled. The Special Leave Petition [SLP(C) No 7015 of 2022] is restored to file and shall be placed by the Registry after seeking directions of the Chief Justice, on a non-miscellaneous day in February 2025.*

*7 The review petition is allowed in the above terms.*

*8 Pending application, if any, stands disposed of."*

7. Thus, the judgment and order passed by this Court dated 23.08.2022 stood recalled, and the SLP(C) No.7015 of 2022 was ordered to be restored to file.

8. Accordingly, the SLP has now been once again notified for hearing before us.

9. Today when the matter was called out for hearing, Mr. Naphade and Mr. Jayant Bhushan, the learned counsel appearing for the petitioner(s)/Intervenor pointed out something which we should not ignore.

10. It was brought to our notice that in pursuance of the directions issued by the High Court as contained in Paragraph 117 of the main judgment, the *inter se* claims between the parties were adjudicated and some judgment has been delivered.

11. It was also brought to our notice that this judgment is in

context with the very same subject property. We should be candid that there is no clarity in this regard, and the matter needs to be looked into thoroughly.

12. However, what has been pointed out is that there is one another SLP preferred by the assignees of the petitioners herein in which notice has been issued by a Coordinate Bench of this Court.

13. Now there are two SLPs bearing Nos. SLP(C) 13022/2025 and SLP (C) 6653/2025 respectively arising from the same litigation.

14. We are of the view that it will be in the interest of justice that both the petitions are heard together by one particular Court, subject to the orders that Hon'ble the Chief Justice of India may pass on the administrative side.

15. In such circumstances, referred to above, let this order be placed before Hon'ble the Chief Justice of India.

16. The matter be notified accordingly.

17. One Interim application i.e. I.A. No. 193180/2025 seeking impleadment is not pressed as the applicant would like to avail appropriate legal remedy before the appropriate forum in accordance with law.

(CHANDRESH)  
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)  
COURT MASTER (NSH)