

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

**WEDNESDAY, THE TWENTY THIRD DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

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

**COMMERCIAL COURT APPEAL NO: 30 OF 2018**

**Commercial Court Appeal Under Section 13 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 read with Section 37 of the Arbitration and Conciliation Act, 1996 aggrieved by the Judgment and decree dated 2-5-2018 in C.O.S.No. 226 of 2017 on the file of the Court of XXIV Additional Chief Judge, City Civil Court, Hyderabad.**

**Between:**

1. Khaja Consultants And Builders, A proprietary concern rep. by its Proprietor Khaja Asif Ahmed S/o. Khaja Rasheeduddin R/o 6-3-456/A/10, Dwarkapuri Colony, Punjagutta, Hyderabad
2. Khaja Asif Ahmed, S/o Khaja Rasheeduddin Aged about 53 years, R/o 6-3-456/A10 Dwirakpuri Colony, Punjagutta, Hyderabad

**...APPELLANTS/ Defendants 2 & 3**

**AND**

1. Late.Smt. Zebra Ali Asgar, W/o Mirza Gulam Ali Asgar Aged 80 years, Residing at Chicago, USA rep. by GPA holder Mirza Ali Akbar S/o Mirza Gulam Ali Asgar R/o Plot No.17, 8-2-675/1, Road No. 13, Banjara Hills, Hyderabad
2. Mirza Ali Akbar, S/o Mirza Gulam All Asgar Aged about 65 years, R/o Plot No. 17, 8-2-675/1, Road No. 13, Banjara Hills Hyderabad
3. Smt. Khadija Hassan, W/o Hassan Ali Khan Aged about 62 years, Residing at Kuwait Rep. by GPA Mirza All Akbar S/o Mirza Gulam Ali Asgar R/o Plot No. 17, 8-2-675/1, Road No. 13, Banjara Hills, Hyderabad
4. Mirza Ali Askar, S/o Gulam Ali Asgar R/o Chicago, USA rep. by GPA holder Mirza Ali Akbar S/o Mirza Gulam Ali Asgar R/o Plot No. 17, 8-2-675/1, Road No. 13, Banjara Hills, Hyderabad .. Respondents/ Plaintiffs
5. Mirza Ali Athar, S/o Mirza Gulam Asgar Aged about 67 years, Occ. Business R/o 8-2-675/1, Road No. 13, Banjara Hills Hyderabad.

**...RESPONDENTS/ DEFENDANTS**

Aggrieved by the Judgment and decree dated 02.05.2018 passed in C.O.S. No. 226 of 2017 on the file of the Court of XXIV Additional Chief Judge, City Civil Court, Hyderabad.

**IA NO: 2 OF 2018**

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 suspend the Judgment and Decree dated 02.05.2018 passed in C.O.S.No.226 of 2017 on the file of the Commercial Court of XXIV Additional Chief Judge, City Civil court, Hyderabad, pending disposal of the above appeal.

**Counsel for the Appellant: SRI C. PRAVEEN, REPRESENTS FOR  
SRI. M. R. S. SRINIVAS**

**Counsel for the Respondent No.2 : SRI SUNIL B. GANU**

**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.30 of 2018

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

Mr. C.Praveen, learned counsel represents  
Mr. M.R.S.Srinivas, learned counsel for the appellants.

Learned counsel for the appellants seeks leave of this  
Court to withdraw the appeal.

Accordingly, the appeal is dismissed as withdrawn.

No costs.

As a sequel, miscellaneous petitions, pending if any,  
stand closed.

Sd/- K. SRINIVASA RAO,  
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The XXIV Additional Chief Judge, City Civil Court, Hyderabad.
2. One CC to SRI. M. R. S. SRINIVAS, Advocate [OPUC]
3. One CC to SRI. SUNIL B. GANU, Advocate [OPUC]
4. Two CD Copies

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K.P.

HIGH COURT

HCJ & JSRJ

DATED:23/10/2024



JUDGMENT

COMMERCIAL COURT APPEAL No.30 of 2018

DISMISSING THE APPEAL AS WITHDRAWN

WITHOUT COSTS

6 Copies  
[Signature]  
16/11/24