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APHC010095212026



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3329]
(Special Original Jurisdiction)

WEDNESDAY, THE 24th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU
NIMMAGADDA

CIVIL REVISION PETITION NO: 662/2026

Between:

1. BOLLA SRIKANTH, S/O. SRI RAMULU, AGED ABOUT 42 YEARS, OCC EX-SERVICEMAN, RIO. KAMMAPALEM, ONGOLE, PRAKASAM DISTRICT.

...PETITIONER

AND

1. BOLLA REVATHI, W/O. BOLLA LAKSHMI KANTH, C/O. TIRIPINENI VENKATESWARLU, AGED ABOUT 30 YEARS, R/O AGRAHARAM VILLAGE, H/O. CHIRVANUPPALAPADU VILLAGE, NAGALUPPALAPADU MANDAL, PRAKASAM DISTRICT. RESPONDENT/ IMPLEAD PETITIONER/ THIRD PARTY TO THE SUIT

2. PULIVARTHI SAMBRAJYAM, REP. BY HER GPA HER HUSBAND, PULIVARTHI MALA KONDAIAH, AGED ABOUT 62 YEARS, RIO. BHAGYA NAGAR, 4TH LINE, NEAR PETROL BUNK, ONGOLE, PRAKASAM DISTRICT.

3.O/O THE COMPETENT AUTHORITY, AND SPECIAL COLLECTOR (L.A.), PULA SUBBAIAH VELIGONDA PROJECT OFFICE, PRAKASAM BHAVAN, ONGOLE, PRAKASAM DISTRICT. 4.

4.THE PROJECT DIRECTOR, P.I.U. NH-5, NHAI VEDAYAPALEM, NELLORE. 5.

5.THE TAHSILDAR, MANDAL REVENUE OFFICER, ONGOLE, PRAKASAM DISTRICT. 6.

6.THE UNION OF INDIA, REP. BY ITS SECRETARY, MINISTRY OF LAW JUSTICE, NEW DELHI.

...RESPONDENT(S):

Petition under Article 227 of the Constitution of India,praying that in the circumstances stated in the grounds filed herein,the High Court may be pleased tohe above named petitioner begs to present the above Revision Petition in this Honble Court aggrieved by the Order dt20-01-2026 in I.A.No.514 of 2024 in O.S.No.15 of 2017 on the file of the court of the II Additional District Judge, Prakasam at Ongole.

IA NO: 1 OF 2026

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 O.S.No.15 of 2017 on the file of the court of the II Additional District Judge, Prakasam at Ongole, pending disposal of the above Revision in this Hon'ble Court and pass

Counsel for the Petitioner:

1.SAI GANGADHAR CHAMARTY

Counsel for the Respondent(S):

1.

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

C.R.P.No.662 of 2026

This Court made the following

ORDER:

The present Civil Revision Petition is filed by the petitioner herein/defendant No.4 in the suit aggrieved by the order dated 20.01.2026 in I.A.No.514 of 2024 in O.S.No.15 of 2017 wherein the petition filed by the Respondent No.1 herein under Order 1 Rule 10 and Section 151 of CPC praying to allow her to add as necessary party to the suit for fair disposal of the suit was allowed.

The petitioner herein is Defendant No.4 in the suit, and respondent No.2 herein is the plaintiff in the said suit. The parties shall hereinafter be referred to as they were arrayed in the suit.

2. Brief facts of the case:

The plaintiff/respondent No.2 herein had three sisters and one brother i.e., Yenuganti Vijaya Lakshmi, Kasu Vara Lakshmi, Kalluri Dhanka Lakshmi and late Bolla Sri Ramulu. The plaint schedule property is the absolute property of mother of the plaintiff/respondent No.2 herein by name Bolla Subba Rathnam and she had mortgaged the schedule land in favour of Union Bank of

India in the year 2009 as there is still outstanding of loan amount in Union Bank of India on the name of the Bolla Subba Rathnam i.e., mother of the plaintiff/respondent No.2 herein. The mother of plaintiff/respondent No.2 executed a registered will duly registered at SRO, Ongole on 24.06.2004 bequeathing the schedule land in favour of the plaintiff/respondent No.2 and her three sisters equally. Later Bolla Subba Rathnam died on 20.12.2010. The husband of Bolla Subba Rathnam was died on 21.09.1981. With regarding to the properties of father of the plaintiff/respondent No.2, there are civil disputes pending in the courts among the legal heirs of the father of the plaintiff/respondent No.2. There is no any civil dispute pending with regarding to the schedule land and the other properties belong to the mother of the plaintiff/respondent No.2. After the death of Bolla Subba Rathnam the schedule land was shared by all beneficiaries / four daughters equally as per terms of the will. The Defendant No.4/petitioner herein is the nephew of the plaintiff/respondent No.2. She had no talking terms with the defendant No.4/petitioner herein. While things stood thus the schedule land was acquired by the National Highway Authorities for the purpose of Bypass Road, Ongole in the year 2011 and also an award was passed on 20.04.2012 for Rs.2,64,17,977/- and an

amount of Rs.26,41,798/- was deducted towards income tax. As the schedule land was in the name of the mother of the plaintiff/respondent No.2 and the land was not mutated in the name of the plaintiff/respondent No.2 and her sisters, award was passed on the name of the mother of the plaintiff/respondent No.2.

3. While things stood thus, the 4th defendant/petitioner herein mischievously and fraudulently approached the 1st defendant/respondent No.3 herein with an intention to take away the entire compensation awarded by the 1st defendant/respondent No.3 herein. The 1st defendant/Respondent No.3 herein without issuing any notices to the plaintiff/respondent No.2 and her sisters and without calling for any objections, without conducting any enquiry has paid the entire compensation of Rs.2,37,76,179/- to the 4th defendant/petitioner herein. Hence the suit O.S.No.15/2017 filed by the plaintiff/respondent No.2 on the file of District Judge, Ongole praying to direct the concerned to pay compensation to the plaintiff/respondent No.2 herein.

4. Pending suit, I.A.No.514 of 2024 in O.S.No.15/2017 was filed before II Additional District and Sessions Judge, Ongole by one Bolla Revathi, third party to the suit and the wife of the deceased

nephew of the plaintiff/respondent No.2 herein to allow the third party by getting her added as the necessary party to the suit for fair disposal of the suit. The court below while allowing I.A.No.514 of 2024 in O.S.No.15/2017 observed as under:

“On a careful consideration of the pleadings, affidavits, and counters on record, it emerges that the dispute is not confined merely to the question of compensation, but is intrinsically connected with issues of title, succession, and entitlement arising out of family properties. It is not in serious dispute that a comprehensive partition suit in O.S.No.64/2015 involving overlapping parties and properties is already pending, and that the petitioner has been a party to earlier and connected litigations concerning the same family and properties. These circumstances indicate that the petitioner’s claim cannot be brushed aside at the threshold without proper adjudication. Though the 1st and 5th respondents contend that the petitioner has no right or interest in the suit schedule property on the basis of a registered Will dated 24.06.2004, such a defence itself involves questions of validity, effect, and scope of the Will, as well as competing claims of succession and entitlement. These issues cannot be conclusively decided in the absence of the petitioner, who asserts an independent and adverse claim. The Court, at the stage of impleadment under Order 1 Rule 10 CPC, is not required to finally adjudicate title, but only to see whether the presence of the proposed party is necessary or proper for effective and complete adjudication of the real controversy. The objections raised by the respondents regarding collusion, suppression of facts, delay or res judicata are matters of defence, which can be tested during trial. They do not, by themselves, disentitle the petitioner from being impleaded when her presence is likely to assist the Court in avoiding multiplicity of proceedings and conflicting findings. If the petitioner is not impleaded, there is a real likelihood that any decree passed may not bind her, leading to further litigation and rendering the adjudication ineffective. In view of the pendency of connected proceedings the overlapping nature of parties and properties, and the fact that questions relating to title and compensation cannot be effectively decided behind the back of the petitioner, this Court finds that the petitioner’s presence is necessary for fair, complete, and effective adjudication of the issues involved. Allowing the impleadment would subserve the ends of justice rather than prejudice the respondents, who will have full opportunity to contest the petitioner’s claims on merits.

Accordingly, the evidence and circumstances on record justify allowing the petition for impleadment, leaving all rival contentions open to be decided at the appropriate stage.

09. In the result, the petition is allowed.”

5. Challenging the said order as above in I.A.No.514 of 2024 in O.S.No.15 of 2017, the present Civil Revision Petition is filed by the defendant No.4/petitioner herein.

6. Heard learned counsel for the petitioner and perused the material placed on record. None appeared on behalf of Respondent Nos.1 and 2 even though notices were served against them. It is reported that the Respondent Nos.3 to 6 are not necessary parties.

7. Learned counsel for the petitioner submits that the 1st respondent herein is the third party to the suit and she is no way concerned with the suit schedule property. He further asserts that the suit schedule property was bequeathed by his grand-mother, which is her self-acquired property by way of its testaments i.e., registered Will, as such the 1st respondent herein being wife of his late elder brother not entitled any share or interest since suit schedule property is not a joint family property. Therefore, the dispute is between the petitioner and his paternal aunts filed the suit claiming they are absolute owners of the suit schedule property being beneficiaries under the registered Will said to have been

executed by their grand-mother. At any rate the 1st respondent herein who filed the present petition seeking for impleadment as party respondent in the suit is certainly not entitled any right or interest over the suit schedule property. Hence the Court below erred in allowing the petitioner by holding that there are civil disputes / partition suits are pending regarding the estate of Bolla Subba Rathnam since the 1st respondent herein is one of the Class-1 legal heir of her husband and one of the coparcener of joint family properties and hence she is a proper and necessary party for adjudication of the present suit is erroneous finding on the part of the Court below. Therefore, the orders of Court below liable to be set aside.

8. On perusal of the suit O.S.Nos.14 and 15 of 2017 filed by Smt. Yenuganti Vijaya Lakshmi and Smt. Pulivarthi Samrajyam respectively against official defendants praying for payment of compensation pursuant to the acquisition of suit schedule land, which was bequeathed through a registered will in their favour. The claim of the 2nd respondent / plaintiff in the suit is that one Bolla Subba Rathnam who is their mother is absolute owner and possessor of the suit schedule property and bequeathed the subject property in three equal shares in her favour and along with her two

sisters through a registered Will. The said Will is last and final Will, as such after the death of their mother, herself and her two sisters became the absolute joint owners of the suit schedule property.

9. It is observed that the subject suit schedule property was acquired by the 3rd and 4th respondents/defendants and the compensation payable in lieu of such acquisition has been deposited. The prayer of the entire suit is for payment of compensation. Pursuant to the acquisition of the subject property being the beneficiaries of subject property through a registered Will and become as property holders against Defendant Nos.1 to 3 as well as petitioner herein. The case of the plaintiff is that the 4th defendant/petitioner herein received the entire compensation amount claiming as only legal heir to the entire suit schedule property. Admittedly, the late Bolla Subba Ratnam left behind her three daughters including the plaintiff and father of the petitioner herein and one Bolla Lakshmikanth as her Class-I legal heirs. It is an admitted case of the plaintiff as well as 1st Respondent herein that the petitioner herein had received the entire compensation as if sole legal heir, by misrepresenting the facts before the defendant Nos.3 to 6. Even assuming that there is no testament said to have been executed by the deceased Bolla Subba Ratnam, the plaintiff

as well as the 1st respondent herein are the legal heirs and they are all entitled to receive the compensation as per their entitlement. If the petitioner herein as contended there is a testament / registered Will duly executed by late Bolla Subba Ratnam in favour of the plaintiff/2nd respondent and 2 others, the petitioner would not have been entitled to claim and to receive the said compensation amount, since he is not holding any lease rights against the suit schedule property. Therefore, the conduct of the petitioner in claiming himself to be the sole legal heir and securing the entire compensation amount by other means, to the exclusion of his paternal aunts in whose favour the Will was executed, raises a serious apprehension of mischief and collusion with defendant Nos. 3 to 10. Therefore, the petitioner herein cannot plead the 1st respondent is no way concern with the suit schedule property since the property belongs to late Bolla Subba Ratnam, who executed the Will in favour of his paternal aunts. Therefore, the plea of the petitioner is hit by the doctrine of Approbation and Reprobation. Having claimed himself to be the sole legal representative for the purpose of receiving the compensation amount, he cannot, in the same breath, deny the rights of the 1st respondent by relying upon a registered Will duly executed in favour of his paternal aunts. Such a stand amounts to

blowing hot and cold at the same time. The petitioner cannot be permitted to receive entire benefit arising out of a transaction while simultaneously disputing or rejecting its validity and execution.

10. On perusal of the orders passed by the Court below, it appears that the Court below rightly held that the 1st Respondent is the proper and necessary party for adjudication of the suit pending before the Court. Accordingly, the 1st respondent rightly impleaded as party respondent.

11. For the reasons as stated above, this Court do not find any reason to interfere with the orders of the Court below and accordingly the Civil Revision Petition is dismissed. No costs.

As a sequel, interlocutory applications if any pending, shall stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

Dt:24.06.2026

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Whether the order is:

Speaking		Reasoned	☒
Reportable		Non-reportable	☒

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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Dt:24.06.2026
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