

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE NINTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT



THE HONOURABLE SRI JUSTICE K SURESH REDDY

CIVIL REVISION PETITION NO: 627,766 AND 767 OF 2025

CRP NO. 627 OF 2025

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 to aggrieved by the order dated 27.01.2025 passed in I.A. No. 13 of 2024 in O.S. No. 12 of 2018 on the file of the Court of the Learned VI Additional District Judge, Chittoor

Between:

1. M Bharathi, W/o. M. Somasekhar Reddy Aged about 45 years, Occ. Cultivation, R/o. D.NO.6-90/A, Dhanalakshmi Nagar, Avilala Panchayat, Tirupati Rural Mandal, Chittoor District.
2. M. Lakshman Reddy, S/o. Late M. Muni Venkata Reddy, Aged 55 years, Occ. Cultivation, R/o. Giddapalle Village, Bandarlappalle Post, Ramakuppam Mandal, Chittoor District.
3. M. Jayarami Reddy, S/o. Late M. Muni Venkata Reddy, Aged 57 years, Occ. Cultivation, R/o. Giddapalle Village, Bandarlappalle Post, Ramakuppam Mandal, Chittoor District.
4. M. Gowramma, W/o. Late Muni Venkata Reddy, Aged 73 years, Occ. Cultivation, R/o. Giddapalle Village, Bandarlappalle Post, Ramakuppam Mandal, Chittoor District.

5. Arava Reddamma, W/o. Late Arava Rami Reddy, Aged 65 years.
Housewife, R/o. D.No.143, Bazaar Street Rompicherla Village, Post and
Mandal, Chittoor District.

...PETITIONER/PLAINTIFF

AND

Subbamma, W/o. K. Chengappa, aged 56 years, Occ. Housewife, R/o.
Gandharamakulapalli Village Kongatam Post, V.Kota Mandal, Chittoor
District.

...RESPONDENT/ DEENDANT

IA NO: 1 OF 2025

Petition under Section 151 of 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. 12 of 2018 on the file of the Court of Learned VI Additional District Judge, Chittoor, pending disposal of the main CRP.

CRP NO. 766 OF 2025

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 to Being aggrieved by the fair and order and decree dt. 27.01.2025 passed in I.A. No. 14 of 2024 in I.A. No.1 of 2024 in O.S. No.12 of 2018 on the file of the Court of the Learned VI Additional District Judge, Chittoor

Between:

1. M Bharathi, W/o. M. Somasekhar Reddy, Aged 45 years, Occ
Cultivation, R/o. D.No.6-90/A, Dhanalakshmi Nagar, Avilala Panchayat,
Tirupati Rural Mandal, Chittoor District.

2. M. Lakshman Reddy, S/o. Late M. Muni Venkata Reddy Aged 55 years, Occ Cultivation, R/o. GiddapaUe Village, Bandarlalalle Post, Ramakuppam Mandal, Chittoor District.
3. M. Jayarami Reddy, S/o. Late M. Muni Venkata Reddy, Aged 57 years, Occ Cultivation, R/o. Giddapalle Village, Bandarlalalle Post, Ramakuppam Mandal, Chittoor District.
4. M. Gowramma, W/o. Late Muni Venkata Reddy, Aged 73 years, Occ Cultivation, R/o. GiddapaUe Village, Bandarlalalle Post, Ramakuppam Mandal, Chittoor District.
5. Arava Reddamma, W/o. Late Arava Rami Reddy Aged 65 years. Housewife, R/o. D.No.143, Bazaar Street, Rompicherla Village and Mandal, Chittoor District.

...PETITIONERPLAINTIFF

AND

Subbamma, w/o. K. Chengappa, aged 56 years, Occ Housewife, R/o. Gandharamakulapalli Village, Kongatam Post, V.Kota Mandal, Chittoor District

...RESPONDENT/DEFENDANT

CRP NO. 767 OF 2025

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 to Being aggrieved by the Order and Decree dt. 27.01.2025 passed in I.A. No. 15 of 2024 in I.A. No.2 / 2024 in O.S. No.12 of 2018 on the file of the Court of the Learned VI Additional District Judge, Chittoor.

Between:

1. M Bharathi, W/o. M. Somasekhar Reddy Aged about 45 years, Occ Cultivation, R/o. D.NO.6-90/A, Dhanalakshmi Nagar, Avilala Panchayat, Tirupati Rural Mandal, Chittoor District.
2. M. Lakshman Reddy, S/o. Late M. Muni Venkata Reddy, Aged 55 years, Occ Cultivation, R/o. Giddapalle Village, Bandarlapalle Post, Ramakuppam Mandal, Chittoor District.
3. M. Jayarami Reddy, , S/o. Late M. Muni Venkata Reddy, Aged 57 years, Occ Cultivation, R/o. Giddapalle Village, Bandarlapalle Post, Ramakuppam Mandal, Chittoor District.
4. M. Gowramma, W/o. Late Muni Venkata Reddy, Aged 73 years, Occ Cultivation, R/o. Giddapalle Village, Bandarlapalle Post, Ramakuppam Mandal, Chittoor District.
5. Arava Reddamma, W/o. Late Arava Rami Reddy, Aged 65 years, Occ Housewife, R/o. D.No.143, Bazaar Street, Rompicherla Village and Mandal, Chittoor District.

...PETITIONER/PLAITIFF

AND

Subbamma, W/o. K. Chengappa, aged 56 years, Occ Housewife, R/o. Gandhararhakulapalli Village, Kongatam, V.Kota Mandal, Chittoor District.

...RESPONDENT DEFENDANT

Counsel for the Petitioner: SRI. PANCHAGNULA RISHYENDRA SAI

Counsel for the Respondents: SRI A SYAM SUNDAR REDDY

The Court made the following COMMON ORDER -:



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3239]

FRIDAY, THE NINTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

**PRESENT
THE HONOURABLE SRI JUSTICE K SURESH REDDY**

CIVIL REVISION PETITION NOS: 627, 766 AND 767 OF 2025

Between:

- 1.M BHARATHI, W/O. M. SOMASEKHAR REDDY AGED ABOUT 45 YEARS, OCC. CULTIVATION, R/O. D.NO.6-90/A, DHANALAKSHMI NAGAR, AVILALA PANCHAYAT, TIRUPATI RURAL MANDAL, CHITTOOR DISTRICT.
- 2.M. LAKSHMAN REDDY, S/O. LATE M. MUNI VENKATA REDDY, AGED 55 YEARS, OCC. CULTIVATION, R/O. GIDDAPALLE VILLAGE, BANDARLAPALLE POST, RAMAKUPPAM MANDAL, CHITTOOR DISTRICT.
- 3.M. JAYARAMI REDDY, S/O. LATE M. MUNI VENKATA REDDY, AGED 57 YEARS, OCC. CULTIVATION, R/O. GIDDAPALLE VILLAGE, BANDARLAPALLE POST, RAMAKUPPAM MANDAL, CHITTOOR DISTRICT.
- 4.M. GOWRAMMA, W/O. LATE MUNI VENKATA REDDY, AGED 73 YEARS, OCC. CULTIVATION, R/O. GIDDAPALLE VILLAGE, BANDARLAPALLE POST, RAMAKUPPAM MANDAL, CHITTOOR DISTRICT.
- 5.ARAVA REDDAMMA, W/O. LATE ARAVA RAMI REDDY, AGED 65 YEARS. HOUSEWIFE, R/O. D.NO.143, BAZAAR STREET ROMPICHERLA VILLAGE, POST AND MANDAL, CHITTOOR DISTRICT.

...PETITIONER(S)

AND

SUBBAMMA, W/o. K. Chengappa, aged 56 years, Occ. Housewife, R/o. Gandharamakulapalli Village Kongatam Post, V.Kota Mandal, Chittoor District.

...RESPONDENT

Counsel for the Petitioner(S):

- 1.PANCHAGNULA RISHYENDRA SAI

Counsel for the Respondent:

- 1.A SYAM SUNDAR REDDY

The Court made the following

COMMON ORDER :-

Since all these three Civil Revision Petitions are arising out of the Orders, dated 27-01-2025 passed in I.A.Nos.13 to 15 of 2024 in O.S.No.12 of 2018 on the file of the court of VI Additional District Judge, Chittoor, they are being disposed of by way of this common order.

2. Admittedly, the revision petitioners herein have filed O.S.No.12 of 2018 on the file of the court of VI Additional District Judge, Chittoor against the respondents/defendants seeking specific performance of agreement of sale. While the said suit is pending, the petitioners/plaintiffs filed I.A.Nos.13 to 15 of 2024 seeking to re-open the suit for adducing evidence on their behalf; to set aside the dismissal order, dated 01-05-2024 and to restore I.A.No.1 of 2024 and also to set aside the dismissal order, dated 01-05-2024 and to restore I.A.No.2 of 2024. On hearing both sides, the learned VI Additional District Judge, Chittoor has dismissed the above three Interlocutory Applications by orders, dated 27-01-2025, which are impugned in these three Civil Revision Petitions.
3. Heard the learned counsel for the revision petitioners/plaintiffs as well as the learned counsel for the respondent/defendant.
4. The learned counsel for the revision petitioners at the outset strenuously contends that the application filed by the revision petitioners/plaintiffs was allowed by the trial court on payment of Rs.200/- to the District Legal Services Authority and on filing Chief-affidavits of the other witnesses. In the meantime, the respondent/defendant filed an application in O.S.No.33 of 2023, which is connected suit, seeking to conduct a joint trial by clubbing O.S.No.12

of 2018 with O.S.No.33 of 2023 and the same was posted for filing counters. Further, the contention of the learned counsel for the revision petitioners is that since the joint trial application filed by the defendant was pending consideration, the revision petitioners did not file all the chief-affidavits and sought time to file a counter in I.A.No.9 of 2024. But, unfortunately, the trial court without considering the plea of the petitioners, refused to grant time for filing chief affidavits and dismissed the application with an observation that the petitioners/plaintiffs did not comply with the conditional order imposed by the court. In the meantime, the respondent/defendant on 02-05-2024 has not-pressed I.A.No.9 of 2024 in O.S.No.33 of 2023 and reported no evidence on her behalf and thus, the said suit was posted for arguments to 07-05-2024. Further, the learned counsel for the petitioners contends that non-compliance of the conditional order imposed by the court is neither willful nor wanton. He, therefore, requests this court to allow these revisions on payment of costs.

5. On the other hand, the learned counsel for the respondent/defendant contends that in order to give an opportunity to the revision petitioners/plaintiffs the court below has given an opportunity and allowed the I.A.Nos.1 and 2 of 2024 on certain conditions. But, the revision petitioners/plaintiffs miserably failed to file chief affidavits of PW.1 and other witnesses and they even did not appear before the court below and did not take any steps for compliance with the conditional orders, which resulted in the dismissal of the I.As. He, therefore, requests this court to dismiss the Civil Revision Petitions.

6. This court perused the material papers on record.

7. It is an admitted fact that the revision petitioners/plaintiffs herein have filed a suit i.e., O.S.No.12 of 2018 for specific performance of agreement of sale, dated 11-11-2016, directing the respondent/defendant to execute a registered sale deed in their favour by receiving the balance sale consideration for the plaint schedule property and in case the respondent/defendant fails to do so through process of court and in an alternative, to order for refund of the advance amount of Rs.45 Lakhs together with interest @ 24% per annum from the date of suit till date of recovery. While the trial in the above suit is pending, the revision petitioners have filed I.A.Nos.1 and 2 of 2024 seeking to reopen the matter for adducing evidence and to set aside the eschewal order, dated 12-12-2023 and owing to Advocates boycott, the petitioners failed to appear before the court and the said application was allowed on condition of payment of costs of Rs.200/- to the District Legal Services Authority and further subject to condition that Pw.1 shall appear by the next date of hearing i.e., 01.05.2024. But on 01-05-2024 though costs were paid, the revision petitioners could not turn up before the court.

8. In this connection, it is pertinent to note that the respondent herein/defendant also filed O.S.No.33 of 2023 against the revision petitioners and in that suit she filed I.A.No.9 of 2024 for clubbing both the suits. As rightly pointed out by the learned counsel for revision petitioners, since the joint trial application filed by the respondent/defendant was pending, the revision petitioners might not have filed all the chief-affidavits. Moreover, the trial court ought to have taken a liberal approach in considering the contention of the petitioners.

9. It is needless to state that Section 151 of the Code of Civil Procedure, 1908 (Code) provides that nothing in the Code shall be deemed to limit or otherwise affect the inherent powers of the code to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the court. In the absence of any provision providing for reopening of evidence or recall of any witness for further examination or cross examination, for purposes other than securing clarification required by the court, the inherent power under Section 151 of the Code, subject to its limitations, can be invoked in reopening the evidence and/or recall witnesses for further examinations.

10. In that view of the matter and to meet the ends of justice and to prevent abuse of the process of court, the trial court ought to have considered the contention of the petitioners. Hence, this court deems it appropriate to allow these three Civil Revision Petitions with costs.

11. Accordingly, these three Civil Revision Petitions are allowed, on payment of costs of Rs.5000/- (Rupees Five Thousand only) payable to the respondents, setting aside the Orders, dated 27-01-2025 passed in I.A.Nos.13 to 15 of 2024 in O.S.No.12 of 2018 by the learned VI Additional District Judge, Chittoor and the petitioners are directed to file Chief affidavits by the next date of hearing. Failure to file the Chief-affidavits, this order stands cancelled automatically without further reference to this court.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Sd/- K KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The VI Additional District Judge, Chittoor, Chittoor District.(with records if any)



2. One CC to SRI. PANCHAGNULA RISHYENDRA SAI, Advocate
[OPUC]

3. One CC to SRI. A SYAM SUNDAR REDDY, Advocate [OPUC]

4. Three CD Copies

vna

HIGH COURT

DATED:09/05/2025

COMMON ORDER

CRP.No.627, 766 AND 767 OF 2025



ALLOWING THE CIVIL REVISION PETITIONS