

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
CIVIL REVISION PETITION NO: 712 OF 2025

Between:

Gottumukkala Suhasa, D/o G.V.S. Sessa Sal, aged about 31 years,
Properties and Private Employee, R/o. Plot No.1215, Road No.60-61, Jubilee
Hills, Hyderabad

...Petitioner/Plaintiff

AND

1. Gottumukkala Srinivasa Raju, S/o Late Satyanarayana Raju, aged about 51 years, 1st Floor, D.No.2-19-19, Dornakal Road, Vijayawada.
2. Saripalli Sarada, W/o Sitarama Raju, aged about 50 years. Properties and Husband's Protection, R/o.D.No.60-22-4/3A, SBI Colony No.1, Ashok Nagar, Vijayawada.
3. M/s. H.C.G. Vijay Oncology Private Limited, Rep. By its Director, Dr. M. Gopichand, S/o. late Nageswara Rao, aged about 48 years, D.No.33-25-33, Ch. Venkata Krishnaiah Street, Suryaraopet, Vijayawada.

...Respondents/Defendants

WHEREAS the Petitioner above named through her Advocate SRI SUNKARA RAJENDRA PRASAD presented this 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 allow this Civil Revision Petition by setting aside the order passed in I.A.No.1421 of 2023 in O.S.No.221 of 2018 on the file of the XII Additional District Judge at Vijayawada dt.06.09.2024 pertaining to issue No.8 by struck down the issue No.8 which is wrongly framed.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri SUNKARA RAJENDRA PRASAD Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this CIVIL REVISION PETITION should not be admitted.

You viz:

1. Gottumukkala Srinivasa Raju, S/o Late Satyanarayana Raju, aged about 51 years, 1st Floor, D.No.2-19-19, Dornakal Road, Vijayawada.
2. Saripalli Sarada, W/o Sitarama Raju, aged about 50 years. Properties and Husband's Protection, R/o.D.No.60-22-4/3A, SBI Colony No.1, Ashok Nagar, Vijayawada.
3. M/s. H.C.G. Vijay Oncology Private Limited, Rep. By its Director, Dr. M. Gopichand, S/o. late Nageswara Rao, aged about 48 years, D.No.33-25-33, Ch. Venkata Krishnaiah Street, Suryaraopet, Vijayawada.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this CIVIL REVISION PETITION should not be admitted, on or before 08.05.2025, to which date the case stands posted for hearing.

IA NO: 1 OF 2025

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in O.S.No.221 of 2018 on the file of the XII Additional District Judge at Vijayawada, Krishna District, pending disposal of CRP No. 712 of 2025, on the file of the High Court.

The Court made the following: ORDER

Heard Sri Sunkara Rajendra Prasad, learned counsel for the petitioner appearing through virtual mode.

2. The plaintiff in O.S.No.221 of 2018, on the file of XII Additional District Judge, Vijayawada is the petitioner.
3. Learned counsel for the petitioner submits that the plaintiff filed the said suit for partition with respect to the plaint schedule properties of grandfather.
4. Issue No.8 was framed, with respect to the Codicil executed by the mother of defendant No.2 (grandmother) of the plaintiff, dated 08.12.2004 to be true and valid and Issue No.9 was framed as to whether defendant No.3 complied with the terms of the agreement dated 19.01.2015 and not committed any default in payment of the rents. He submits that the petitioner-plaintiff filed I.A.No.1421 of 2023 under Order XIV Rule 5(2) and Section 151 C.P.C to strike out issue Nos.8 and 9 as wrongly framed. He further submits that those issues were not relevant or germane to the plaintiff's case as the suit was for partition of the property of the grandfather and not of the grandmother and the Will/Codicil was relating to the property of the grandmother. However, by the impugned order, the learned court has reframed the issues 8 and 9 instead of striking those issues.
5. Issue notice to the respondents 1 to 3.
6. Learned counsel for the petitioner shall take out notice to the respondents by R.P.A.D and file proof of service.
7. List on 08.05.2025.

8. Learned counsel for the appellant submits that the date fixed in the suit is 30.04.2025. The petitioner is granted liberty to file an application for adjournment before the learned Court, upon which the suit shall be adjourned and shall be fixed for a date after 08.05.2025.

Sd/- P.U.V. BHASKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For Assistant Registrar

To,

1. The XII Additional District Judge at Vijayawada, Krishna District
2. Gottumukkala Srinivasa Raju, S/o Late Satyanarayana Raju, aged about 51 years, 1st Floor, D.No.2-19-19, Dornakal Road, Vijayawada.
3. Saripalli Sarada, W/o Sitarama Raju, aged about 50 years. Properties and Husband's Protection, R/o.D.No.60-22-4/3A, SBI Colony No.1, Ashok Nagar, Vijayawada.
4. M/s. H.C.G. Vijay Oncology Private Limited, Rep. By its Director, Dr. M. Gopichand, S/o. late. Nageswara Rao, aged about 48 years, D.No.33-25-33, Ch. Venkata Krishnaiah Street, Suryaraopet, Vijayawada.
(Addressees 2 to 4 by RPAD- along with a copy of petition and memorandum of grounds)
5. One CC to SRI. SUNKARA RAJENDRA PRASAD Advocate [OPUC]
6. One spare copy

PSR

HIGH COURT

RNT,J

DATED:17/04/2025

NOTE: List on 08.05.2025.

NOTICE BEFORE ADMISSION

CRP.No.712 of 2025

INTERIM DIRECTION

