

APHC010177522021



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

[3457]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE HARINATH.N
CIVIL REVISION PETITION NO: 611/2021**

Between:

1. KELLA PRASAD, S/ O. LAKSHMAYYA, HINDU, AGED ABOUT 46 YEARS, OCC. BUSINESS, NARASAPURAM, NARASAPURAM MANDAL, WEST GODAVARI DISTRICT. NARSAPURAM PJCJC.

...PETITIONER

AND

1. ADAPU SRINU, S/o. Venkata Rao, Aged about 50 years, R/o. Christianpeta, Besides SRO Office, Mogulthuru, Mougulthuru IVlandal, West Godavari District. Narsapuram PJCJC.

...RESPONDENT

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 the order and decree in E.A.No.9/2018 in E.P.No.32/2011 in O.S.No. 10/2006, dated 22.06.2020 on the file of Court Of Principal Junior Civil Judge-Cum-Judicial Magistrate Of First Class At Narsapuram, West Godavari District,

Counsel for the Petitioner:

1. PECHATHY RANGA RAO

Counsel for the Respondent:

1.

The Court made the following:

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ORDER:

1. The petitioner is aggrieved by the order dated 22.06.2020 passed in EA No. 9 of 2018 in EP.No.32 of 2011 in OS.No.10 of 2006 by the learned Principal Junior civil Judge – cum – Judicial Magistrate of First Class, Narsapur.
2. The learned counsel for the petitioner submits that the petitioner, being the Decree Holder (D.Hr), had filed E.P. No. 32 of 2011 seeking execution of the decree passed in his favour. The said E.P. was dismissed on 20.09.2017 on account of the petitioner's non-appearance. Thereafter, the petitioner filed E.A. No. 9 of 2018 seeking to set aside the order of dismissal dated 20.09.2017. The learned Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Narasapur dismissed the said E.A., primarily on the ground that the petitioner had failed to file the application within the prescribed period of 30 days from the date of dismissal and, despite having knowledge of the dismissal of the E.P., did not take appropriate steps within the stipulated time. Accordingly, the E.A. was dismissed.
3. The learned counsel for the petitioner places reliance on the judgment of a learned single judge of this Court passed in **Sale**

Ranga Swamy Vs. Special Collector – Cum – Land Acquisition Officer, S.S.P., Kurnool¹.

4. Though notice was sent to the respondent, there is no appearance.

The petitioner has filed the track report as well as a separate proof of service, whereby the Sub-Postmaster, Mogalthuru has certified that the notice sent by the petitioner was delivered to the respondent on 06.03.2026.

5. The short point for consideration is ;

Whether the order passed by the learned Principal Junior civil Judge – Cum – Judicial Magistrate of First Class, Narsapur deserves to be set aside ?

6. Admittedly, the petitioner is a Decree Holder and has stated that he had suffered with jaundice and high fever and underwent treatment at a different place. As such, he was unavailable for giving instructions or appearing before the learned trial Court. The reason assigned by the petitioner ought to have been taken into consideration, and the E.A. ought to have been allowed by restoring the E.P.

7. Hence, this Court is inclined to allow the present Civil Revision Petition, directing the learned Principal Junior civil Judge – Cum – Judicial Magistrate of First Class, Narsapur to restore the EP.No. 32 of 2011 to file and pass appropriate orders on merits within a period of six months from the date of receipt of this order.

¹ 2004 (3) ALD 83

8. Accordingly, the present Civil Revision Petition is disposed off. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date:22.04.2026

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THE HONOURABLE SRI JUSTICE HARINATH.N

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Date: 22.04.2026

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