



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

[3330]

FRIDAY, THE 7th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION NO: 453/2026

Between:

1.K KHADAR BASHA, S/O LATE K.BASHASAHEB, AGED ABOUT 65 YEARS, RIO. D.NO.29/122, ALIMABAD STREET, GANDHI BAZAAR, RAYACHOTY TOWN AND MANDAL, ANNAMAYYA DISTRICT.

...PETITIONER

AND

1.PENJURI SIVANANDA BALAJI, S/O PRABHAKARSETTY, AGED ABOUT 57 YEARS, R/O. D.NO.7-157-A, BRAMHIN STREET, RAYACHOTY TOWN,ANNAMAYYA DISTRICT. RESPONDENT NO. 1 /PLAINTIFF

2.KETHINENIREVEENDRA NAIDU, S/O VENKATESH NAIDU, AGED 63 YEARS, R/O. D.NO.41-82-F3, TAGORE STREET, BOSE NAGAR, RAYACHOTY TOWN,ANNAMAYYA DISTRICT.

3.KETHINENIMAHALAKSHMNI, W/O KETHINENIREVEENDRA NAIDU, AGED ABOUT 60 YEARS, R/O. D.NO.41-82-F3, TAGORE STREET, BOSE NAGAR, RAYACHOTY TOWN,ANNAMAYYA DISTRICT.

4.YARRAPU REDDY SRINIVASULU REDDY, S/O RAMA KRISHNA REDDY, AGED 58 YEARS, R/O. D. NO.51-141-60-1, MADANAPALLI ROAD, RAYACHOTY TOWN,ANNAMAYYA DISTRICT.

...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 toAggrieved by the orders passed in I.A.774/2025 in O.S No. 20/2022 dt. 13.11.2025 on the file of Vth Addl. District Judge, Rayachoty

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 Pleased to dispense with the Certified Copy of the orders passed in I.A.774/2025 in O.S No. 20/2022 dt. 13.11.2025 on the file of Vth Addl. District Judge, Rayachoty in the above C.R.P. and pass

IA NO: 2 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 pleased to direct the respondents not to alienate the petition schedule property in favor of the third parties, during the pendency of the main CRP and pass

Counsel for the Petitioner:

1.P NARASIMHULU

Counsel for the Respondent(S):

1.K SITA RAM

2.M DELHI BABU

CIVIL REVISION PETITION NO: 1194/2026

Between:

1.K.KHADAR BASHA,, S/O LATE K.BASHASAHEB, AGED ABOUT 65 YEARS, R/O. D.NO.29/122, ALIMABAD STREET, GANDHI BAZAAR, RAYACHOTY TOWN AND MANDAL ANNAMAYYA DISTRICT.- 516269-

...PETITIONER

AND

1.PENJURI SIVANANDA BALAJI, S/O PRABHAKARSETTY, AGED ABOUT 57 YEARS, R/O. D.NO.7-157-A, BRAMHIN STREET, RAYACHOTY TOWN, ANNAMAYYA DISTRICT-516269-.

2.KETHINENI REVEENDRA NAIDU, S/O VENKATESH NAIDU AGED 63 YEARS, R/O. D.NO.41-82-F3, TAGORE STREET, BOSE NAGAR, RAYACHOTY TOWN, ANNAMAYYA DISTRICT.-516269-

3.KETHINENI MAHALAKSHMI, W/O KETHINENIREVEENDRA NAIDU, AGED ABOUT 60 YEARS, R/O. D.NO.41-82-F3, TAGORE STREET, BOSE NAGAR RAYACHOTY TOWN, ANNAMAYYA DISTRICT.-516269

4.YARRAPU REDDY SRINIVASULU REDDY, S/O RAMA KRISHNA REDDY, AGED 58 YEARS, R/O. D.NO.51-141-60-1, MADANAPALLI ROAD, RAYACHOTY TOWN, ANNAMAYYA DISTRICT.-516269-

...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 toAggrieved by the docket orders passed in Un-numbered Memo in O.S No. 20/2022 dt. 13.11.2025 on the file of Vth Addl. District Judge, Rayachoty for the following among others.

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 direct the respondents not to alienate the petition schedule property in favor of the third parties, during the pendency of the main CRP and pass

Counsel for the Petitioner:

1.P NARASIMHULU

Counsel for the Respondent(S):

1.

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION Nos.453 and 1194 of 2026

COMMON ORDER:

As the issue involved in these two cases is one and the same, they are disposed of by way of this common order.

2. The 1st respondent herein filed suit *vide* O.S.No.20 of 2022 on the file of learned V Additional District Judge, Rayachoty, for specific performance based on the agreement of sale dated 09.04.2007. While the suit is pending, respondent Nos.1 to 4 herein has compromised the suit under Order XXIII Rule 1 of the Code of Civil Procedure, 1908 and the suit was dismissed as withdrawn *vide* order dated 13.11.2025.

3. According to the pleadings of the petitioner herein, the petitioner, along with the 1st respondent, obtained an agreement of sale from respondent Nos.2 and 3. In the suit, petitioner herein also filed counter-claim, which was not numbered. The petitioner, who is defendant No.3 in the suit, set *ex parte* on 23.12.2022. Aggrieved by the same, petitioner filed I.A.No.774 of 2025 in O.S.No.20 of 2022 seeking to set aside the *ex parte* order dated 23.12.2022 on the ground that petitioner filed written statement and counter-claim under Order VIII Rule 1 and Rule 6A of C.P.C. and without considering the same, *ex parte* order was passed against the petitioner herein. The learned trial Court closed I.A.No.774 of 2025 *vide* order dated 13.11.2025 on the ground that suit

was dismissed as not pressed and hence, petitioner's claim could not be considered. Assailing the same, present Civil Revision Petitions are filed.

4. Learned counsel for respondent No.1 relied on the judgment of the Hon'ble Apex Court in paragraph No.21 of ***Rohit Singh and others v. State of Bihar and others***¹, wherein it is held as follows:

21. Normally, a counter-claim, though based on a different cause of action than the one put in suit by the plaintiff could be made, but, it appears to us that a counter-claim has necessarily to be directed against the plaintiff in the suit, though incidentally or along with it, it may also claim relief against co-defendants in the suit. But a counter-claim directed solely against the co-defendants cannot be maintained. By filing a counter-claim the litigation cannot be converted into some sort of an inter-pleader suit. Here, defendants 3 to 17 had no claim as against the plaintiff except that they were denying the right put forward by the plaintiff and the validity of the document relied on by the plaintiff and were asserting a right in themselves. They had no case even that the plaintiff was trying to interfere with their claimed possession. Their whole case was directed against defendants 1 and 2 in the suit and they were trying to put forward a claim as against the State and were challenging the claim of the State that the land involved was a notified forest in the possession of the State. Such a counter-claim, in our view, should not have been entertained by the trial court.

5. Learned counsel, relying on the above judgment, submits that one defendant cannot file counter-claim against the other defendant.

6. At this juncture, learned counsel for petitioner requested this Court to direct the 1st respondent-plaintiff to provide the agreement of sale dated 09.04.2007, to the petitioner to file a fresh suit for his claim.

7. Therefore, without going into merits, present Civil Revision Petitions are disposed of with following directions:

¹ (2006) 12 SCC 734

(a) The 1st respondent is directed to provide agreement of sale dated 09.04.2007, after obtaining from the trial Court, to the petitioner herein.

(b) The petitioner is directed to take appropriate steps for filing suit within a period of three weeks from the date of receipt of a copy of this order, in accordance with law. The Court has to see whether the petitioner can still maintain a suit.

(c) Till presentation of suit, the respondents are directed to maintain *status quo* as on today.

(d) There shall be no order as to costs.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 07.08.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION Nos.456 and 1194 of 2026

Date: 07.08.2026

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