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APHC010213852023



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

[3331]

WEDNESDAY, THE 12th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 1200/2023

Between:

1. MALEPATI RAVI KUMAR CHOWDARY, S/O. RAMAIAH NAIDU LATE, SYANNAGARIPALLE, AGED ABOUT 54 YEARS, T. SUNDUPALLI VILLAGE AND MANDAL, KADAPA DISTRICT.

...PETITIONER

AND

1. DARAPUNENI NAGAMANI, W/O. DARAPUNENI RAJENDRA PRASAD NAIDU, AGED ABOUT 38 YEARS, D.NO. 4-1-926/1, ANJANEYA NAGAR, BADVEL VILLAGE, POST AND MANDAL, YSR KADAPA DISTRICT, ANDHRA PRADESH.

2. HUBILKAR SUMA, W/O. MALEPATI SATISH BABU, AGED ABOUT 38 YEARS, 143, 5th FIL CROSS, 2nd W BLOCK, NARAYANA NAGAR, J.P. NAGAR, 9th PHASE, DODDAKALLASANDRA, BANGALORE, KARNATAKA STATE.

3. VAYALAPATI HARINADHA REDDY, S/O. V. PAPI REDDY, AGED ABOUT 50 YEARS, T. SUNDUPALLI VILLAGE AND MANDAL, KADAPA 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 to set aside the order passed by the Principal Junior Civil Judge,

Rayachoty, in I.A.No. 61/2021 in O.S.No.1 of 2020 dated 08.08.2022 and pass

IA NO: 1 OF 2023

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 suspension of the operation of the order passed on 08.08.2022 on the file of the Principal Junior Civil Judge, Rayachoty, in I.A.NO. 61/2021 in O.S.No.1 of 2020 pending disposal of the C.R.P., and to pass

IA NO: 2 OF 2023

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 vacate the interim Order dated 16-06-2023 passed in CRP.No. 1200 of 2023

Counsel for the Petitioner:

1.P SREE RAMULU NAIDU

Counsel for the Respondent(S):

1.M VENKATESWARLA REDDY

The Court made the following:

::ORDER ::

The above civil revision petition was filed assailing the order dated 08.08.2022 passed in I.A.No.61 of 2021 in O.S.No.1 of 2020 on the file of the learned Principal Junior Civil Judge, Rayachoty.

2. Heard Sri P. Sree Ramulu Naidu, learned counsel for the petitioner and Sri G.V. Subrahmanyam, learned counsel representing Sri M. Venkateswarla Reddy, learned counsel appearing for respondents 1 & 2.

3. For the sake of convenience, the parties to this C.R.P. shall be referred to as per their array in the suit.

4. The plaintiff filed a suit in O.S.No.1 of 2020 against the respondent No.3 herein, being the defendant, seeking perpetual injunction. In the plaint, it was

contended *inter-alia*, that the plaintiff's grandfather namely Malepati Venkatappa along with one Kurapati Rangaiah, purchased Ac.0.75 cents out of 1.10 cents in Sy.No.2201/A2; Ac.0.15 cents out of Ac.0.76 cents in Sy.No.2201/A3 and Ac.0.35 cents out of Ac.0.75 cents in Sy.No.2201/A5 under a registered document dated 07.11.1932. All the aforementioned lands are with specific boundaries and adjoining each other. Sri Venkatappa and Rangaiah orally partitioned the extent, and Venkatappa got Ac.0.62 ½ cents on the northern side, and Rangaiah got Ac.0.62 ½ cents on the southern side. Sri Venkatappa died intestate, leaving behind his two sons, namely Ramaiah Naidu and Sankaraiah Naidu. Sri Sankaraiah Naidu did not claim any right over the property. Sri Ramaiah Naidu was blessed with two sons, namely Ravi Kumar Chowdary (Plaintiff) and Yugendra Kumar Chowdary.

(a) The Revenue officials updated the Record of Rights and incorporated the name of the plaintiff in the revenue records. The half share of Rangaiah was ultimately purchased by the defendant about 10 months back. The defendant demanded that the plaintiff sell his share. However, the plaintiff refused to part with the suit property. In view of the developments in the village, the suit schedule property has become valuable and is suitable for conversion into house sites. Taking advantage of the situation, the defendant has been attempting to interfere with the peaceful possession and enjoyment of the suit schedule property by the plaintiff. Hence, the suit was filed by the plaintiff seeking perpetual injunction, wherein the defendant was set ex parte.

(b) During the trial, the plaintiff was examined as PW.1 and got marked Exs.A1 and A2. At that stage, the respondents 1 & 2 herein, the third parties to the suit, filed I.A.No.61 of 2021 seeking their impleadment as defendants 2 & 3. The proposed parties in the affidavit filed in support of the petition, while denying the title of the plaintiff, contended that the proposed parties got part of the property under two registered gift deeds dated

07.02.2019. The proposed defendants also pleaded collusion between the plaintiff and the defendant. The plaintiff filed a counter and opposed the application.

(c) During the inquiry in I.A.No.61 of 2021, Exs.P1 to P9 were marked on behalf of the proposed parties and Exs.R1 to R4 were marked on behalf of the plaintiff/respondent No.1. The trial Court, by order dated 08.08.2022, allowed the application.

5. An interim order was granted by this Court on 02.05.2023, and the same was extended for six more weeks on 16.06.2023. Thereafter, the interim order was not extended.

6. Learned counsel for the petitioner would submit that the suit was filed for injunction and the relief sought in the suit is against the sole defendant. In fact, another I.A.No.265 of 2020 filed by third parties was allowed. He would also submit that the plaintiff, being the dominus litis, filed suit against the person who is trying to encroach upon the property and the proposed parties are not necessary.

7. On the other hand, learned counsel appearing for the respondents 1 & 2 would submit that the plaintiff filed a suit in collusion with the defendant. The proposed parties have right over the suit schedule property, and hence, they are proper and necessary parties.

8. The point for consideration is:

“1. Whether the proposed parties are proper and necessary to the suit?

2. Whether the order dated 08.08.2022 passed in I.A.No.61 of 2021 in O.S.No.1 of 2020 on the file of the learned Principal Junior Civil Judge, Rayachoty suffers from any infirmity?”

9. A ‘necessary party’ is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the

Court. A 'proper party' is a person who, though not a necessary party, is a person whose presence would enable the Court to completely, effectively and adequately adjudicate upon all the disputes in the suit, though he/she need not be a person in favour of or against whom the decree is to be made.

10. No doubt, the suit was filed seeking perpetual injunction and the relief sought is against an individual in personam. However, the proposed parties claim title to a portion of the suit schedule property under Ex.P1 Gift Deeds. In fact, as evident from the grounds raised in the revision petition, apart from respondents Nos.1 and 2 herein, another individual had filed I.A.No.265 of 2020, and the said application was also allowed.

11. Article 227 of the Constitution of India envisages the power of superintendence by the High Court over all Subordinate Courts and Tribunals. The power of superintendence conferred upon the High Court by Article 227 is not confined to administrative superintendence only but includes the power of judicial review. This Court must see that the trial Courts shall not exceed the power conferred on it or exercise power based on extraneous material.

12. The High Court, while exercising the power under Article 227 of the Constitution of India, can exercise its discretion to interfere in the following circumstances:

“When the inferior court assumes jurisdiction erroneously in excess of power; when refused to exercise jurisdiction; when an error of law is apparent on the face of record; violated principles of natural justice; arbitrary or capricious exercise of authority or discretion; arriving at a finding which is perverse or based on no material; a patent or flagrant error in procedure; order resulting in manifest injustice and error both on facts and law or even otherwise.”

13. The trial Court, in this case at hand, has considered all relevant aspects and allowed the application. There is no perversity or illegality in the order

passed by the trial Court, brooks interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India. There are no merits in the revision, and the revision is liable to be dismissed.

14. Given the facts and circumstances of the case, the Civil Revision Petition is dismissed. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date: 12.08.2026

TVN

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION No.1200 OF 2023

Date: 12.08.2026

TVN