

APHC010222832026



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI**

FRIDAY, THE 7th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

CIVIL REVISION PETITION NO: 1265 OF 2026

Between:

1. Yaluri Mukteswara Rao, S/o Rama Subba Rao, 62 years, R/o Janapadu village, , Piduguralla Mandal, Palnadu District.

...Petitioner

AND

1. Kattamuri Narasimha Rao, S/o Amaralingam, aged 52 years, R/o Opp. Old Post office, Piduguralla Town and Mandal, Palnadu District.

...Respondent

Counsel for the Petitioner: J.V.PHANIDUTH

Counsel for the Respondent:

The Court made the following:

THE HONOURABLE SRI JUSTICE D.RAMESH**CIVIL REVISION PETITION No.1265 of 2026****ORDER:**

This revision is filed aggrieved by the docket order dated 30.06.2025 passed in C.F.R.No.1390 in E.P.No.11 of 2021 in O.S.No.8 of 2019 by the Civil Judge (Junior Division), Piduguralla.

2. Heard learned counsel for the petitioner.
3. As directed by this Court, learned counsel for the petitioner has filed the proof of service vide memo dated 15.06.2026. Despite notice being served, none entered appearance for the respondent.
4. Learned counsel for the petitioner submitted that initially, the draft sale deed filed by the petitioner in E.P.No.11 of 2021 in O.S.No.8 of 2019 was returned on 06.08.2025 stating that four sets of sale papers have to be filed and again, the same was returned on 18.08.2025 stating that J.Dr. name was not found in EC. Thereafter, the same was represented by the learned counsel for the petitioner stating that the attached property is an undivided joint property and is ancestral property so as the

property is undivided, J.Dr. name is not elicited in E.C. Again, the matter was posted to subsequent dates and as there was no representation on behalf of the respondent/J.Dr., the matter could not be taken into consideration. He further submitted that initially, the property was attached vide order dated 28.01.2019 and subsequently, the said order was made absolute vide order dated 27.02.2019 and the schedule to the attached property was also placed along with the memo, which reads as follows:

“Guntur District, Narasarao Pet registration District, Piduguralla S.R.O., Machavaram Village and Mandal, Machavaram Village S.No.205, an extent of Ac.0.40 cents out of joint share in Ac.1.20 cents of wet land, being bounded by:

East : Nallabothula Pakeeraiah land,

South : Attuluri Narasimha Rao land,

West : Mallemipalli Badraiah,

North : Nallabothula Nageswara Rao land.

Within these boundaries, Ac.0.40 cents of wet land.

Market Value of the property : Rs.2,00,000/-.”

5. Surprisingly, while the property was attached, the father of the respondent/judgment debtor transferred the property by way of a settlement deed in favour of the wife of the judgment debtor.

Learned counsel has relied on the judgment of this Court in ***D.H.Babu v. K.Appa Rao***¹. The relevant paragraph is extracted hereunder:

“12. The further contention of the appellant that he was a *bona fide* purchaser without notice of the suit also does not assist the appellant in stopping execution proceedings. As laid down in Section 64 of C.P.C., all transactions conducted after the attachment of the property are to be treated as void. There is no exemption for *bona fide* purchasers under Section 64 of C.P.C. In the circumstances, nothing would turn on the question of whether the appellant is a *bona fide* purchaser or not.”

6. In view of the above observations of the Co-ordinate Bench, it is made clear that if any transfer is made contrary to Section 64 of C.P.C., all such transactions are to be treated as void.

7. Considering the said submissions and on perusal of the material placed along with the revision, the Civil Revision Petition is disposed of with a direction to the trial Court i.e., the Civil Judge (Junior Division), Piduguralla to consider the draft sale deed submitted by the petitioner in E.P.No.11 of 2021 in

¹ 2022 Supreme(AP) 994

O.S.No.8 of 2019 and proceed in accordance with law. There shall be no order as to costs.

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

JUSTICE D.RAMESH

Date: 07.08.2026
lvd

THE HONOURABLE SRI JUSTICE D.RAMESH

CIVIL REVISION PETITION No.1265 of 2026

Dated: 07.08.2026

Ivd