

APHC010334362025



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

[3332]

FRIDAY, THE EIGHTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT; THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 1706/2025

Between:

- 1.DEVAGIRI VIJAYALAKSHMI, W/O. LATE DHANUNJAYA REDDY,
AGED ABOUT 55 YEARS, HOUSEWIFE RESIDENTS OF D.NO. 2-14-
124 8TH LINE EXTENSION, SYAMALANAGAR, NEAR REDDYS
GIRLS HOSTEL, GUNTUR
- 2.DEVAGIRI SRINIVAS REDDY,, S/O. LATE DHANUNJAYA
REDDY, RESIDENTS OF D.NO. 2-14-124 8TH LINE EXTENSION,
SYAMALANAGAR, NEAR REDDYS GIRLS HOSTEL, GUNTUR
AGED ABOUT 34 YEARS. PRIVATE EMPLOYEE
- 3.DEVAGIRI VENKATA PRASANNA SRIDHAR REDDY, S/O. LATE
DHANUNJAYA REDDY, AGED ABOUT 33 YEARS. PRIVATE
EMPLOYEE, RESIDENTS OF D.NO. 2-14-124 8TH LINE
EXTENSION, SYAMALANAGAR, NEAR REDDYS GIRLS HOSTEL,
GUNTUR

...PETITIONER(S)

AND

- 1.SK SHABINA, W/O. LATE MAHIN, AGED ABOUT 56 YEARS.
BUSINESS R/O. D.NO. 26-13-26, BACK SIDE OF ALANKAR
THEATRE, 2ND LINE, NAGARAMPALEM, GUNTUR CITY AND
DISTRICT.
- 2.SK ZUBEEN, D/O. LATE MAHIN, AGED ABOUT 40 YEARS.
DOCTOR, R/O. D.NO. 26-13-26, BACK SIDE OF ALANKAR
THEATRE, 2ND LINE, NAGARAMPALEM, GUNTUR CITY AND

DISTRICT

- 3.KOLA ARUNA, W/O. GURAVA REDDY, AGED ABOUT 44 YEARS. HOUSEWIFE, R/O. D.NO. 5-337, DACHEPALLI VILLAGE AND MANDAL PALNADU DISTRICT
- 4.KALLAM PERI REDDY, S/O. BRAMHA REDDY, AGED ABOUT 62 YEARS. BUSINESS, R/O. AT AGRAHARAM MAIN ROAD, GUNTUR CITY AND DISTRICT
- 5.DONTHIREDDY RAMI REDDY, S/O. VENKATESWARA REDDY, AGED ABOUT 60 YEARS. BUSINESS, R/O. D.NO. 4-192, VALLABHAPURAM VILLAGE, KOLLIPARA MANDAL, TENALI GUNTUR 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 may be pleased to set aside the order order dated 10-03-2025 in I.A.No 870/2023 in O.S.No 122/2020 on the file of the Honble III Addl. District and Sessions Judge, Guntur and allow the I.A.No 870/2023 in O.S.No 122/2020 on the file of the Honble III Addl. District and Sessions Judge, Guntur and pass such

IA NO: 1 OF 2025

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 may be pleased to grant stay of all further proceedings in O.S.No:122 of 2020 on the file of Hon'ble III Addl. District and Sessions Judge, Guntur during the pendency of the above CRP in the interest of justice and to pass such

Counsel for the Petitioner(S):

- 1.PADALA VENKATA SRIRAM REDDY

Counsel for the Respondent(S):

- 1.GANESH PALADUGU

2. GANESH PALADUGU

3. MUNNANGI THANMAI KRISHNA

ORDER

This Civil Revision Petition is filed questioning the legality and correctness of the order dated 10.03.2025 passed in I.A.No.870 of 2023 in O.S.No.122 of 2020 by the learned III Additional District Judge, Guntur.

2. The Civil Revision Petitioners are the proposed defendants, respondent nos.1 and 2 are the plaintiffs and respondent nos.3 to 5 are the defendants in O.S.No.122 of 2020.

3. The facts that led to filing of the Civil Revision Petition, in brief, are that the respondent nos.1 and 2 filed the suit against respondent nos.3 to 5 for redemption of mutually agreed balance mortgage debt of Rs.55,00,000/- due by 1st plaintiff/mortgagor to 1st defendant/mortgage and direct the 1st defendant to execute property reconveyance deeds covered under the nominal registered sale deed Nos.755/2012 and 756/2012 on the file of SRO, Guntur which are executed by 1st plaintiff as security for repayment of the said debt and for permanent injunction restraining the defendants, their men etc., from and in any way interfering with the 1st plaintiff's peaceful possession and enjoyment of the suit schedule property and for permanent injunction restraining the 1st defendant/mortgagee from alienating the plaintiff schedule property in favour of 3rd parties either by way of sale, lease,

mortgage etc., pending disposal of the suit. In the said suit, the petitioners who are plaintiff nos.2 to 4 in O.S.No.62 of 2018 filed petition vide I.A.No.870 of 2023 under Order-1, Rule-10 of Code of Civil Procedure to permit them to come on record as defendant nos.4 to 6, contending that the suit vide O.S.No.62 of 2018 was filed claiming easementary right over item no.2 of the plaint schedule property in this suit and they are proper and necessary parties to the suit. The respondent nos.1 and 2 resisted the claim made by the petitioners by filing counter contending that Dhanunjaya Reddy, husband of petitioner no.1 and father of petitioner nos. 2 and 3 purchased the property in Court auction without any passage rights, however falsely claiming easementary rights through item no.2 of the plaint schedule property in O.S.No.122 of 2020, filed frivolous suits vide O.S.No.62 of 2018 and also O.S.No.120 of 2020 and the petitioners have never been in possession and enjoyment of the property purchased in Court auction and they being absolute third parties to the suit claim cannot be permitted to come on record. The learned trial Judge, upon hearing the learned counsel for the parties and considering the material available on record, dismissed the petition and the said dismissal order has been assailed in this Civil Revision Petition.

4. Heard Sri P.V.Sriram Reddy, learned counsel for the petitioners, Sri Paladugu Ganesh, learned counsel for respondent nos. 1 and 2 and Sri Munnangi Tanmai Krishna, learned counsel for respondent nos.3 to 5.

5. Sri P.V.Sriram Reddy, learned counsel for the petitioners, while reiterating the contents of the affidavit filed in support of the petition and grounds of Civil Revision Petition would contend that as the suit was filed claiming exclusive rights over item no.2 of the plaint schedule property regardless the easementary rights of the petitioners over that property, the petitioners are proper and necessary parties to the suit and accordingly, they filed petition to implead them as defendants, however the learned trial Judge upon erroneous view of the matter dismissed the petition. Accordingly, prayed to allow the Civil Revision Petition.

6. On the other hand, Sri Paladugu Ganesh, learned counsel for respondent nos. 1 and 2, while reiterating the contents of the counter filed in the trial Court would contend that predecessor of the plaintiffs purchased the property in court auction sale without having any access to reach the land, somehow wants to get access through item No.2 of the plaint schedule property and by falsely claiming easementary right of way through item no.2 filed two frivolous suits, one for declaration and another for permanent

injunction. He would further contend that the petitioners being absolute strangers to the suit claim cannot be permitted to come on record since the same would create unnecessary complications, confusion and cause delay in adjudication and the learned trial Judge upon appreciation of the facts in proper perspective rightly dismissed the petition and the said well considered order does not require interference of this Court. Accordingly, prayed to dismiss the Civil Revision Petition.

7.Sri Munnangi Tanmai Krishna, learned counsel for respondent nos. 3 to 5 also submitted similar arguments.

8. Perused the material available on record and considered the submissions made by learned counsel for the parties.

9. The subject suit is filed redemption of mutually agreed balance mortgage debt due by 1st plaintiff to 1st defendant and for execution of property reconveyance deeds covered under the nominal registered sale deeds executed by 1st plaintiff as security for repayment of the said debt along with consequential permanent injunctions. The predecessor of the petitioners filed suit vide O.S.No.62 of 2018 for declaration of passage rights and for consequential permanent injunction against respondent nos. 1 and 2. The contents of the affidavit filed in support of the implead petition would

further disclose that the petitioners filed petition to implead Kola Aruna as a party to the suit filed by them.

9. As could be perceived from the contents of the affidavit, it is the specific contention of the petitioners that the property purchased by their predecessor in Court auction was also included in item no.2 of the plaint schedule property.

10. Since the predecessor of the petitioners had already filed a suit for declaration of easementary right of passage through ABCD marked passage against the 1st plaintiff and Shaik Mahin and also filed petition to implead 3rd defendant as a party to the said declaration suit, as rightly held by the learned trial Judge, the petitioners can work out their remedies in the said suit. Therefore, since the nature of the present suit being very limited, inclusion of the petitioners as parties would unnecessary enhance the scope and the same would introduce new issues, arguments, or controversies that were not part of the original dispute, effectively turning it into a suit of different kind.

11. In the above view of the matter, there are no merits in the Civil Revision Petition and the learned trial Judge had rightly dismissed the implead petition upon reaching a correct conclusion that the issue involved in this suit

can effectively be adjudicated without presence of the proposed parties. The Civil Revision Petition lacks merit and the same deserves dismissal.

12. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

8TH May, 2026.

JUSTICE RAVI CHEEMALAPATI
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