



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

[3299]

THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

CIVIL REVISION PETITION NO: 1863/2025

Between:

Surapaneni Rajya Lakshmi

...PETITIONER

AND

Bheemadolu Vijaya Naga Durga and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. UMESH CHANDRA P V G

Counsel for the Respondent(S):

1.

The Court made the following:

Interim order:

On the request made by Sri Umesh Chandra PVG, learned counsel for the petitioner, citing the urgency that there was immediate threat of demolition of the property of the petitioner for which notice was also pasted on the site pursuant to the orders in E.P.No.110 of 2013, on the Court's slip, this matter was taken up as lunch motion. The case is shown in the Additional list/lunch motion list. There is no caveat for the respondents.

2. Heard Sri Umesh Chandra PVG, learned counsel for the petitioner.

3. Learned counsel for the petitioner submits that O.S.No.100 of 1985 was filed by the present respondent Nos.1 & 2 against the different defendants, without impleading the present petitioner, for declaration with respect to the plaint schedule property which included, as item No.3, which the present petitioner claims to have been gifted to her by her mother and the grandmother (D4 & D5 in O.S.No.100 of 1985). O.S.No.100 of 1985 was decreed and another Suit O.S.No.98 of 1983 was dismissed, by the common judgment dated 23.02.1991. He further submits that for execution of the decree in O.S.No.100 of 1985, E.P.No.110 of 2013 was filed. In the said EP also, initially, the present petitioner was not made a party. But, subsequently, she was added as J.Dr.12 in the year 2017. It is submitted that the petitioner had no knowledge of those proceedings. He further submits that one CRP.No.1551 of 2019 was filed pertaining to the other extent in same survey land, in which the petitioner was impleaded as respondent No.13. Further, from the notice of that CRP, she came to know about all the proceedings, the decree and Execution Petition.

4. Learned counsel for the petitioner submits that, thereafter, the petitioner filed O.S.No.4 of 2020 in the Court of Principal Senior Civil Judge at Gudivada for cancellation of decree passed in O.S.No.100 of 1985, with respect to the plaint schedule property in O.S.No.4 of 2020, i.e., item No.3 of O.S.No.100 of 1985 which suit is pending in the Court, where the EP.No.110 of 2013 for execution of the decree in O.S.No.100 of 1985 is pending. In the execution case, the petitioner filed EA.No.75 of 2025 for stay of the execution

proceedings under Order 21 Rule 29 CPC which has been dismissed by the impugned order dated 18.07.2025.

5. Learned counsel for the petitioner submits that the learned Execution Court acted illegally in rejecting the E.A.No.75 of 2025, by making an erroneous interpretation of Order 21 Rule 29 CPC and also incorrectly appreciating the law laid down in ***Shaukat Hussain @ Ali Akram and others v. Smt.Bhuneshwari Devi (Dead) by L.Rs. and others*** reported in 1972(2) SCC 731. He submits that since the execution proceedings for execution of decree passed in O.S.No.100 of 1985 and the O.S.No.4 of 2020 for cancellation of the said decree, are pending in the same Court, and the O.S.No.4 of 2020 is between the decree holder of O.S.No.100 of 1985 and the present petitioner against whom decree is sought to be executed, though she was not party in the suit, the execution Court had the jurisdiction to grant stay, may be subject to the conditions. But the learned Execution Court acted illegally in observing that the petition EA was not maintainable and rejecting the same.

6. Issue notice to the respondent No.2 only at this stage.

7. In addition to the normal mode of service, the petitioner is permitted to take out personal notice to the respondent No.2, by registered post and acknowledgment due and file proof of service in the Registry before the next date of listing.

8. List on 22.08.2025 preferably in first 5 cases.

9. Considering the aforesaid submissions and the threat of demolition, it is provided as an interim measure that till the next date of listing, the further proceedings for execution, only with respect to item No.3 of the plaint schedule property in O.S.No.100 of 1985 (i.e., the plaint schedule property of O.S.No.4 of 2020) shall remain stayed and the parties shall maintain status-quo with respect to the said property as on today.

RAVI NATH TILHARI,J

Dated:07.08.2025

AG