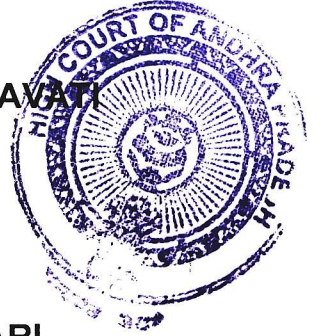


**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

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

: PRESENT:

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
CIVIL REVISION PETITION NO: 1863 OF 2025**



Between:

Surapaneni Rajya Lakshmi, W/o Late Rama Krishna, Aged about 67 years,
R/o Motukurivari Street, Gudlavalleru village, Gudlavalleru Mandal, Krishna
District, Andhra Pradesh- 521356

Petitioner/12th JDR

AND

1. Mothukuri Venkateswara Lakshmi Suryakanthamma (died)
2. Bheemadolu Vijaya Naga Durga, W/o Narasimha Murthy, aged about 61 Years, Husband protection, R/o Juddigavia penumanda, Tanuku Mandal, Krishna District.
3. Mothukuri Subrahmanyam, (died)
4. Anne Taraka Rama Rao, (died)
5. Anne Kasthuri Bhayamma, W/o Taraka Rama Rao, aged about 49 Years, Husband protection, R/o Gudlavalleru Mandal.
6. Adusumilli Vara Lakshmi, (died).
7. Adusumilli Manoramma, (died)
8. Chittibomma Jagannandha Rao, (died)

9. Pothukuchi Nageswara Rao, S/o Subbayya, aged about 55 Years, Teacher, R/o Gudlavalleru Village and Mandal.
10. Anne Venu, S/o Taraka Rama Rao, aged about 30 Years, Properties, R/o Gudlavalleru Village and Mandal.
11. Polavarapu Jyothi, W/o Basuk, aged about 36 Years, Properties, R/o Gudlavalleru Village and Mandal.
12. Pinnamaneni Swaruparani, W/o Janardhana Rao, aged about 39 Years, R/o. Gudlavalleru Village and Mandal.
13. Mothukuri Anajana Rao, (died)
14. Maganti Anuradha, W/o Seetaiah, aged about 56 Years, Housewife, R/o D.No.7/69, Nehru Bazar, Gromor Coromandel International Limited Opposite lane end, Gudlavalleru Village and Mandal.
15. Lingamaneni Srinivas, S/o Satyanarayana, aged about 59 Years, R/o Bapujinager backside of Santhi Theatre, Palvanha, Palvanha Mandal, Khammam District.
16. Surapaneni Kalyani, W/o Lokesh, aged about 35 Years, Employee in Divis Labs, Visakhapatnam.
17. Lingamaneni Raghava, S/o Srinivas, aged about 30 Years, C/o. Surapaneni Rajya Lakshmi, W/o Late-Ramakrishna, aged about 66 Years, Housewife, R/o Gudlavalleru Village and Mandal, Krishna District

(Respondent No.1 And Respondent No. 3 to Respondent 17 are not necessary parties in this present CRP)

Respondents

WHEREAS the Petitioner above named through her Advocate Sri Umesh Chandra P V G, presented this 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 present this Memorandum of Civil Revision Petition having been aggrieved by the Order dated 18.07.2025 passed in E.A.No.75 of 2025 in E.P.110/2013 IN O.S.No.100 of 1985, on the file of Court Of The Principal Civil judge (Senior Division), Gudivada

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri Umesh Chandra P V G, Advocate for the Petitioner, directed issue of notice to the Respondent No.2 herein to show cause as to why this CIVIL REVISION PETITION should not be admitted.

You viz:

1. Bheemadolu Vijaya Naga Durga, W/o Narasimha Murthy, aged about 61 Years, Husband protection, R/o Juddigavia penumanda Tanuku Mandal. Krishna District.

are be and hereby directed to show cause on or before 22.08.2025 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CIVIL REVISION PETITION should not be admitted.

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 to order stay of all further proceedings which include a specific direction not to demolish building located in Survey Number 191/4 located in Gundlavalleru Village, Gudlavalleru Mandal, Pending disposal of CRP No.1863 of 2025, on the file of the High Court.

The Court made the following: 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.

Sd/- K.TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

For ,

To,

1. The Principal Civil judge (Senior Division), Gudivada
2. Bheemadolu Vijaya Naga Durga, W/o Narasimha Murthy, aged about 61 Years, Husband protection, R/o Juddigavia penumanda Tanuku Mandal, Krishna District. (by RPAD- along with a copy of petition and memorandum of grounds) (Respondent No.1 and Respondent No. 3 to Respondent 17 are not necessary parties in this present CRP)
3. One CC to Sri Umesh Chandra P V G, Advocate [OPUC]
4. One spare copy

HIGH COURT

RNT, J

DATED: 07/08/2025

LIST ON 22.08.2025 PREFERABLY IN FIRST 5 CASES

NOTICE BEFORE ADMISSION

CRP.NO.1863 OF 2025

DIRECTION

