



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

[3331]

MONDAY, THE 27th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 2757/2024

Between:

- 1.D. INDIRAVATHI, W/O LATE D. VENKATASUBBA REDDY, HINDU, AGED ABOUT 78 YEARS. OCCUPATION HOUSE WIFE, D.NO.13-1-115, PEDDAKAPU STREET, TIRUPATI, TIRUPATI DISTRICT.

...PETITIONER

AND

1. P VAROODHINIDIED, (DIED)
2. E MADHUSUDHAN REDDY, (DIED)
3. E GIRIJA, W/O LATE DR. E. PRASAD REDDY, HINDU, 75 YEARS, R/O NIRUPA MULTI SPECIALTY CHILDREN HOSPITAL, RAGHAVA CINI COMPLEX ROAD, BRINDAVAN COLONY, NELLORE, SPSR NELLORE DISTRICT.
4. E NIRUPA RANI, D/O LATE DR. E. PRASAD REDDY, HINDU, 54 YEARS, R/O NIRUPA MULTI SPECIALTY CHILDREN HOSPITAL, RAGHAVA CINI COMPLEX ROAD, BRINDAVAN COLONY, NELLORE, SPSR NELLORE DISTRICT.
5. ERIKI RAKENDRA REDDY, (DIED)
6. N SUBHASHINI, W/O N. KRISHNA REDDY, HINDU, AGED ABOUT 75 YEARS, OCC HOUSE WIFE, D.NO.121, SHIVAJI NAGAR, SBI COLONY, TIRUPATI, TIRUPATI DISTRICT.
7. P KRISHNAMOHAN REDDY, S/O RAMACHANDRA REDDY, HINDU, AGED ABOUT 58 YEARS. PROF IN HISTORY DEPARTMENT, S.V. UNIVERSITY, TIRUPATI, TIRUPATI DISTRICT.
8. MADHAVI, D/O P. VAROODHINI, W/O RAMANARAYANA REDDY, HINDU, AGED ABOUT 57 YEARS, R/O D.NO.SEB-27, S.V.

UNIVERSITY, TIRUPATI, TIRUPATI DISTRICT.

9. E SHARMILA, D/O LATE OF E. MADHUSUDHAN REDDY, 49 YESRS, R/O D.NO. 181/A, 2ND FLOOR, UPSTAIRS TO NEW R.K. PHOTO STUDIO, AIR BYPASS ROAD, TIRUPATI, TIRUPATI DISTRICT.
- 10.E SIRESHA, D/O LATE E. MADHUSUDHAN REDDY, HINDU, W/O NARESH REDDY, AGED ABOUT 47 YEARS, CANDORE INTERNATIONAL SCHOOL, BEGUR KOPPA ROAD, NEAR ELECTRONIC CITY, BANGALORE - 560 105.
- 11.E ANIRUDH SAI REDDY, S/O LATE E. RAJENDER REDDY, HINDU, 21 YEARS, R/O NIRUPA MULTI SPECIALTY CHILDREN HOSPITAL, RAGHAVA CINI COMPLEX ROAD, BRINDAVAN COLONY, NELLORE, SPSR NELLORE 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 begs to present this memorandum of Civil Revision Petition aggrieved by the Order dated 09.08.2024 in I.A.No.178 of 2021 in O.S.No.117 of 1990 on the file of the Additional Civil Judge (Senior Division) Tirupati, Chittoor District in dismissing the application to receive the documents for the following among other

IA NO: 1 OF 2024

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 stay of all further proceedings in O.S.No.117 of 1990 on the file of the Additional Civil Judge (Senior Division) Tirupati, Chittoor District including passing of final decree pending disposal of the above Civil Revision Petition and pass

Counsel for the Petitioner:

- 1.MAHADEVA KANTHRIGALA

Counsel for the Respondent(S):

- 1.HARINATH REDDY SOMA
- 2.

The Court made the following:

::ORDER ::

The above civil revision petition was filed assailing the order dated 09.08.2024 passed in I.A.No.178 of 2021 in O.S.No.117 of 1990 on the file of the learned Additional Civil Judge (Senior Division), Tirupati.

2. Heard Sri Mahadeva Kanthrigala, learned counsel for the petitioner and Sri Phani Kumar, learned counsel representing Sri Harinath Reddy Soma, learned counsel appearing for respondent No.10.

3. The deceased 1st respondent herein, being the plaintiff, filed a suit in O.S.No.117 of 1990 seeking partition of the schedule properties. A preliminary decree was passed on 13.12.1998. As per the preliminary decree, A & B schedules are divided into 15 shares. The plaintiff, D5 & D6 were allowed 1/15th share and D1, D2, D4 were allotted ½ share each. After the preliminary decree, the sole plaintiff died. The revision petitioner filed I.A.No.1082 of 2011 to bring the legal representatives of the sole deceased plaintiff on record. Later, D1 also died. Hence, I.A.No.160 of 2018 was filed. Since the legal representatives of the sole plaintiff did not evince any interest, the revision petitioner filed I.A.No.716 of 2013 to transpose her as 2nd plaintiff. The said application was allowed on 05.06.2014.

(a) The revision petitioner, before being transposed as 2nd plaintiff, as the 5th defendant, filed I.A.Nos.420 of 2011 and 421 of 2011 for passing preliminary decree and for appointment of Advocate Commissioner. The same were allowed. The Advocate Commissioner filed a report, and she filed objections. The final decree was not passed so far.

(b) The revision petitioner filed I.A.No.178 of 2021 under Order XX Rule 18(2) r/w Section 151 of the Code of Civil Procedure to pass another preliminary decree by modifying the shares, as per the judgment of **Vineeta**

Sharma v. Rakesh Sharma and others¹. The 10th respondent filed a counter and opposed the application. The trial Court, by order dated 09.08.2024, dismissed the application.

4. Learned counsel for the petitioner would submit that the trial Court, without considering the ratio in *Vineeta Sharma*'s judgment, dismissed the application. He would also submit that the final decree in the suit has not been passed so far.

5. Learned counsel appearing for the respondent No.10 would fairly concede to the legal position.

6. The point for consideration is:

“Whether the order dated 09.08.2024 passed in I.A.No.178 of 2021 in O.S.No.117 of 1990 on the file of the learned Additional Civil Judge (Senior Division), Tirupati, suffers from any illegality, warranting interference?”

7. As seen from the narration *supra*, a preliminary decree was passed on 31.12.1998. After the passing of the preliminary decree, the sole plaintiff died, and the revision petitioner filed I.A.No.1082 of 2011 to bring the legal representatives of the sole plaintiff on record. The revision petitioner also filed I.A.No.160 of 2018 to bring the legal representatives of the D1 on record. The revision petitioner was transposed as the 2nd plaintiff by order dated 05.06.2014 passed in I.A.No.716 of 2013. The final decree in the suit has not been passed so far. Pending the final decree, the Hindu Succession Act, 1956 was amended *vide* Central Amendment Act 39/2005, whereby the daughters are also entitled to equal share along with the sons as coparceners. Thereafter, the Apex Court considered the said issue in *Vineeta Sharma*'s judgment referred to *supra*.

8. In *Vineeta Sharma*'s case, the Apex Court held that the daughters are coparceners irrespective of the date of death of the coparceners and that the

¹ 2020(5) ALD 49 (sc)

daughter has a right over the coparcenary property by birth. In **Prema v. Nanje Gowda**², the Apex Court held as follows:

“.....if after passing of preliminary decree in a partition suit but before passing of final decree, there has been enlargement or diminution of the shares of the parties or their right has been altered by statutory amendment, the Court is duty bound to decide the matter and pass final decree keeping in view the change scenario...”

9. Keeping in view the expression of the Hon'ble Apex Court, the trial Court should have exercised the jurisdiction vested in it and allowed the interlocutory application. However, the learned trial court failed to exercise the jurisdiction vested in it. If the order under revision is allowed to be continued, it will result in a miscarriage of justice. Therefore, the order under revision brooks interference of this Court.

10. Given the facts and circumstances of the case, the Civil Revision Petition is allowed. The order dated 09.08.2024 passed in I.A.No.178 of 2021 in O.S.No.117 of 1990 on the file of the learned Additional Civil Judge (Senior Division), Tirupati is hereby set aside. I.A.No.178 of 2021 stands restored. The learned trial Court shall pass a preliminary decree keeping in view the amendment to the Hindu Succession Act, 1956 vide Central Amendment Act 39/2005 and Vineeta Sharma's judgment referred to supra. The learned trial Court shall pass appropriate orders, within a period of two (02) months from the date of receipt of a copy of the order. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 27.07.2026
TVN

Whether the order is :

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

² (2011) 6 SCC 462

206

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION No.2757 OF 2024

Date: 27.07.2026
TVN