



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

[3457]

MONDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CIVIL REVISION PETITION NO: 1615/2022

Between:

- 1.AKURATHI MAHALAKSHMI, W/O. LATE VEERA VENKATA SATYANARAYANA, AGED 54 YEARS, HOUSEWIFE, R/O.D.NO.7-15, SARIPALLE, GANAPAVARAM MANDAL, TADEPALLIGUDEM, WEST GODAVARI DIST.
- 2.AKURATHI SWAMY AYYAPPA,, S/O. LATE VEERA VENKATA SATYANARAYANA, AGED 24 YEARS, HOUSEWIFE, R/O.D.NO.7-15, SARIPALLE, GANAPAVARAM MANDAL, TADEPALLIGUDEM, WEST GODAVARI DIST.
- 3.BADIGANTLA VENKATALAKSHMI,, W/O. BUJJI, AGED 30 YEARS, HOUSEWIFE, R/O.D.NO.10-5-14, SATYANARAYANAPETA, ELURU, WEST GODAVARI DIST.
- 4.GADISETTI SWATHI,, W/O.SRIDHAR, AGED 35 YEARS, HOUSEWIFE, R/O.D.NO.7-15, SARIPALLE, GANAPAVARAM MANDAL, TADEPALLIGUDEM WEST GODAVARI DISTRICT.
- 5.AKURATHI VENKATALAKSHMI,, W/O.LATE ANNAVARAM AGED 48 YEARS, HOUSEWIFE, R/O.D.NO.1-47, ADIVIKOLANU, GANAPAVARAM MANDAL, TADEPALLIGUDEM, WEST GODAVARI DISTRICT.
- 6.AKURTHI SATYAKUMAR,, S/O.LATE ANNAVARAM AGED 20 YEARS, BUSINESS, R/O.D.NO.10-47, ADIVIKOLANU, GANAPAVARAM MANDAL, TADEPALLIGUDEM, WEST GODAVARI DIST.
- 7.REBBA ANANTHALAKSHMI,, W/O.RAJESH AGED 23 YEARS, HUSEWIFE, R/O.D.NO.1-82, YERRAKUNTAPALLI, CHINTALAPUDI MANDALAM, JANGAREDDIGUDEM, WEST GODAVARI DIST.

...PETITIONER(S)

AND

1. GADISETTI GANGAMANI, W/O.G.SURYANARAYANA, HINDU, AGED 40 YEARS, HOUSEWIFE AND BUSINESS SARIPALLI, D.N.6-26, GANAPAVARAM MANDAL, WEST GODAVARI DISTRICT.
2. AKURATHI VEERA VENKATA SATYNARAYANA, S/O.VENKATESWARARAO, HINDU, AGED 39 YEARS, BUSINESS, SARIPALLE, R/O.D.NO.7-15, GANAPAVARAM MANDAL, W.G.DIS..
3. NANDAM KANAKADURGA, W/O.SITARAMAYYA, HINDU, AGED 37 YEARS, HOUSEWIFE, R/O.D.NO.8-76, TIMMAPURAM, DWARAKA TIRUMALA MANDAL, ELURU, W.G.DIST.
4. BANDARU SWARNA GOWRI, W/O.NARASIMHA MURTHY, HINDU, AGED 36 YEARS, HOUSEWIFE, R/O.D.NO.4-23, UMAMAHESWARAM, PENTAPADU MANDAL, WEST GODAVARI DIST.
5. AKURATHI ANNAVARAM, S/O.VENKATESWARARAO, HINDU, AGED ABOUT 33 YEARS, R/O.D.NO.1-47 ADAVIKOLANU, GANAPAVARAM MANDAL, WEST GODAVARI DISTRICT.
6. AKURATHI NARASIMHAMURTHY, S/O.VENKATESWARA RAO, HINDU, AGED 32 YEARS, BUSINESS, R/O.D.NO.8-76, THIMMAPURAM, DWARAKA TIRUMALA MNDAL, ELURU, WEST GODAVARI DIST.
7. AKURATHI DWARAKA TIRUMALA, S/O.VENKATESWARA RAO, HINDU, AGED 31 YEARS, BUSINESS, R/O.D.NO.14-28, GANTAVARIGUDERN, NALLAJERLA MANDAL, WEST GODAVARI DIST.
8. KANCHUMARTHI DHANALAKSHMI, W/O.YESUBABU, HINDU, AGED 30 YEARS, HOUSEWIFE, D.NO.6-82, MUPPARTHIPADU, GANAPAVARAM MANDAL, WEST GODAVARI DISTRICT.
9. AKURATHI CHINA SATYANARAYANA, S/O.VENKATESWARA RAO, HINDU, AGED 29 YEARS, HOUSEWIFE, R/O.D.NO.5-78, GANTAVARIGUDEM., NALLAJERLA MANDAL, WEST GODAVARI DISTRICT.
10. KOMATI HEMALATHA, W/O.PULLARAO, HINDU, AGED 28 YEARS, HOUSEWIFE, R/O.D.NO.11-7, T.NARASAPURAM, T.NARASAPURAM MANDAL, CHINTALAPUDI, WEST GODAVARI DISTRICT.
11. AKURATHI AKURATHI NAGESWARARAO, S/O.VENKATESWARA RAO, HINDU, AGED ABOUT NOT KNOWN, BUSINESS, R/O.D.NO.6-18, TIMMAPURAM DWARAKA TIRUMALA MANDAL, W.G.DIST.

12.AKURATHI SOMESWARARAO, S/O.VENKATESWARA RAO, HINDU, AGED ABOUT NOT KNOWN, R/O.D.NO.8-12, GHANTAVARIGUDEM NALLAJERLA MANDAL, WEST GODAVARI DIST.

13.AKURATHI SWARNALATHA, W/O.SOMESWARARAO HINDU, AGED ABOUT NOT KNOWN, HOUSEWIFE R/O.D.NO.6-29, GHANTAVARIGUDEM NALLAJERLA MANDAL, WEST GODAVARI DIST.

14.AKURATHI PERIRAJU, S/O.VENKATESWARARAO, HINDU, AGED ABOUT NOT KNOWN, BUSINESS R/O.D.NO.6-29, GHANTAVARIGUDEM NALLAJERLA MANDAL, WEST GODAVARI DIST.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1.E V V S RAVI KUMAR

Counsel for the Respondent(S):

1.T V JAGGI REDDY

The Court made the following:

ORDER:-

The Civil Revision Petition is filed aggrieved by the docket order dated 05.08.2022 whereby the I.A. filed by the petitioners was returned with office objections as to how the petition is maintainable.

2. The petitioners filed I.A.(SR) No.4849 of 2018 seeking to bring on record the legal heirs of the deceased/plaintiff on record as they have substantial interest in the joint family property. As such an application under Order 1 Rule 10(2) CPC was filed seeking to permit the petitioners to implead themselves as plaintiffs as they are the legal heirs of the 5th plaintiff. The office of the learned Senior Civil Judge, Tadepalligudem has taken an office objection calling upon the petitioners to explain as to how the Order 1 Rule 10(2) CPC is maintainable. The petition was resubmitted by the complying with the objections and by submitting explanation that third parties claiming as legal representatives of the deceased/plaintiff and claiming interest as successors of the deceased interest they are necessary parties and as such they can implead by filing an application under Order 1 Rule 10 CPC. It was also clarified that Order 22 Rule 3 does not specify who should file the application for the LRs of the deceased party and placed reliance on the decision in the matter of ***Pankajbhai Rameshbhai Zalavadia Vs. Jethabhai Kalabhai Zalavadiya (deceased) Through LRs & others***¹, whereby the Hon'ble Supreme Court held that the legal representatives have party should be permitted to brought on record under Order 1 Rule 10 CPC even if the

¹ 2017 Supreme (SC) 963

original party died prior to filing of suit. The Hon'ble Supreme Court while considering the issue with regard to maintainability of an application Order 22 Rule 4 of CPC, while an application Order 1 Rule 10 CPC could also be filed.

3. It was held that the trial Court has discretion to consider the application under Order 22 Rule 4 and will operate as res judicata for an application under Order 1 Rule 10 CPC. However, the ends of justice would be met if the party claiming interest over the suit schedule property would have to be allowed to be impleaded as parties to the suit. On the facts of this case, it is evident that the 5th plaintiff has claimed interest over the suit schedule property and on his demise his legal heirs can step into the shoes of the 5th plaintiff by impleading themselves.

4. On the facts of the present case, the learned Judge erred in retuning the application filed by the petitioners under Order 1 Rule 10 (2) CPC. The application filed by the petitioners was not consider on merits and the same was returned at the stage of numbering itself. The docket order dated 05.08.2022 deserves to be set aside and a fair opportunity be accorded to the parties proposing to come on record and the respondents herein would also have an opportunity of contesting the application filed by the petitioners on merits.

5. On these considerations, the impugned proceedings are hereby set aside. The learned Senior Civil Judge, Tadepalligudem shall issue a regular number to the I.A filed by the petitioners and consider the same on merits.

Considering the submissions of the respondents that the partition suit is pending from the year 2011 onwards, the trial Court shall endeavor to dispose of the suit on merits in an expeditious manner, preferably within a period of nine (9) months from the date of receipt of a copy of this order.

6. Accordingly, the Civil Revision Petition is closed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date.23.03.2026
SR