

APHC010440362019



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

[3457]

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CIVIL REVISION PETITION NO: 755/2020

Between:

1. SOMAGUTTA RAMAMOHAN REDDY, S/O. SOMAGUTTA RAMAKRISHNA REDDY, AGED ABOUT 49 YEARS, HINDU, OCC-AGRICULTURIST, R/O. MASAKAVANKAPALLI, H/O. KURUMALA, NALLAMADA MANDAL, ANANTHAPURAMU DISTRICT

...PETITIONER

AND

1. SOMAGUTTA AMRUTHAMMA, W/O. SOMAGUTTA GANGI REDDY, AGED 49 YEARS, HINDU, AGRICULTURIST, R/O. MASAKAVANKAPALLI, H/O. KURUMALA, NALLAMADA MANDAL, ANANTHAPURAMU DISTRICT. AT PRESENT RESIDING AT KONDAKAMARLA VILLAGE AND MANDAL, ANANTHAPURAMU DISTRICT.

2. YEDDULA CHINNAMMA BHARATHAMMA, W/O. BHASKAR REDDY, AGED ABOUT 53 YEARS, R/O. GARACHETLAPALLI H/O. HAMACHERUVU, PEDDA THIPPASAMUDRAM MANDAL, CHITTOOR DISTRICT.

3. KONAPALLI JAYAMMA, , W/O. JAYACHANDRA REDDY, AGED ABOUT 43 YEARS, HINDU, AGRICULTURIST, R/O. MULAPPAGARIPALLI H/O. KURUMALA, NALLAMADA MANDALAM, ANANTHAPURAMU DISTRICT.

4. L SHANTHAMMA, , W/O. L. BHASKAR REDDY, AGED ABOUT 38 YEARS, HINDU, AGRICULTURIST, R/O. BRAMHANAPALLI VILLAGE,

PUTTAPARTHI MANDALAM, ANANTHAPURAMU 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 topleased to allow the C.R.P. by setting aside the order dated- 03.09.2019 passed in EP No. 560 of 2018 in IA No.254 of 2005 in OS No. 9 of 1999 on the file of the I Additional Sessions Judge, Ananthapuramu and pass

IA NO: 1 OF 2020

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 condone the delay of 6 days in filing the CRP against the EP No. 560 of 2018 in IA No. 254 of 2005 in O.S. No.9/1999 on the file of the Court of the I Additional Sessions Judge, Ananthapuramu, pending disposal of the C.R.P. and pass

IA NO: 2 OF 2020

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 all further proceedings in EP No. 560 of 2018 in IA No. 254 of 2005 in O.S. No.9/1999 on the file of the Court of the I Additional Sessions Judge, Ananthapuramu, pending disposal of the C.R.P. and pass

Counsel for the Petitioner:

1.GUTTAPALEM VIJAYA KUMAR

Counsel for the Respondent(S):

1.

ORDER:

1. The petitioner is aggrieved by the order passed in E.P.No.560 of 2018, in I.A.No.254 of 2005, in O.S.No.9 of 1999. The learned I Additional Sessions Judge, Anantapur, allowed the E.P. and issued a Rule 35 of C.P.C delivery warrant against the Judgment Debtors for delivery of the E.P. schedule properties on payment of process.
2. Notice sent to respondent Nos.1, 3 and 4 has been served. The notice sent to respondent No.2 was returned with the endorsement "addressee died".
3. There is no representation on behalf the respondents on whom notice has been served. Therefore, this Court has no other option except to proceed with adjudication of the Civil Revision Petition on merits.
4. The learned counsel appearing for the petitioner submits that the partition of the family properties was the subject matter of O.S.No.9 of 1999 and that the parties thereto had referred the said suit to the Permanent Lok Adalat Bench, Anantapur. An award was passed whereby defendant No.2 was required to pay an amount of Rs.17,00,000/- in four installments, and upon receipt of the said amount, the plaintiff was required to give up her rights in the plaint schedule properties. It is submitted that the defendants complied with their obligations under the award. However, the plaintiff filed E.P.No.560 of 2018, pursuant to which the order under challenge came to be passed.
5. The learned counsel for the petitioner further submits that, when the parties to the award had agreed to settle the dispute on terms incorporated therein, there was no reason for the plaintiff to step back and claim rights over

the plaint schedule properties. It is submitted that a preliminary decree was passed in O.S.No.9 of 1999 and a final decree was also passed in I.A.No.254 of 2005. It is submitted that the Execution Court erred in ignoring the compromise arrived at between the parties and erroneously passed the order under challenge.

6. Heard the learned counsel for petitioner. Perused the record.

7. The Execution Court categorically held that the Judgment Debtors had not placed any evidence in support of their contention that the first Judgment Debtor had paid amounts to the decree holder equivalent to the 1/4th share of the decree holder, pursuant to which the decree holder was required to execute a relinquishment deed in favour of the first Judgment Debtor. In the absence of any proof submitted by the Judgment Debtors, particularly with regard to payment of the sum of Rs.17,00,000/- agreed upon under the Lok Adalat Award, the Execution Court committed no error in allowing the E.P. and issuing warrant under Rule 35 for delivery of possession of the E.P. schedule properties.

8. Accordingly, this Court finds no grounds to interfere with the order under challenge, and the Civil Revision Petition is dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date:21.04.2026
NKA

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THE HONOURABLE SRI JUSTICE HARINATH.N

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