

APHC010474962025

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

[3209]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
CIVIL REVISION PETITION NOS: 2290 AND 2294 OF 2025**

Between:

1. O NAGA BHUSHANAMMA, W/O LATE O. BALASUBRAMANYAM, D/O LATE G. SUBBAIAH CHETTY, REP. BY HER REGISTERED GPA FOLDER O. SURENDRA BABU, S/O LATE O. BALASUBRAMANYAM, AGED 57 YEARS, RESIDING AT DOOR NO. 18-1-47Q, KT ROAD, TIRUPATI (ADDED AS PER ORDER DATE 08-01-2024 IN I.A. NO. 431/2022 IN O.S. NO. 176/2017)

...PETITIONER

AND

1. C VENKATARAMA RAJU CVR RAJU, S/O C.C. RAJU, AGED 50 YEARS. DOING BUSINESS UNDER THE NAME AND STYLE JR FASHIONS R/O FLAT NO. 304, 3RD FLOOR, CHANDRAKALA TOWERS/SRI SRINIVASA ENCLAVES, PERURU VILLAGE
2. SMT C AMRUTHAVALLI, W/O C. VENKATARAMA RAJU, AGED 46 YEARS, FLOUSE WIFE R/O FLAT NO. 304, 3RD FLOOR, CHANDRAKALA TOWERS/SRI SRINIVASA ENCLAVES, PERURU VILLAGE

...RESPONDENT(S):

Counsel for the Petitioner:

1. SOLOMON DEVENDRA BABU C

Counsel for the Respondent(S):

1. S VARADARAJULU CHETTY

The Court made the following COMMON ORDER:

Aggrieved by the common order dated 26.06.2026, passed in I.A.Nos.16 & 17 of 2025 in O.S.No.176 of 2017, on the file of the Court of III Additional District Judge, Tirupati, the plaintiff in the said suit filed the present Civil Revision Petitions.

2) The petitioner / plaintiff filed the suit against the respondents / defendants seeking declaration of title and delivery of possession of the plaint schedule properties and for vacant possession of the plaint B to E schedule properties. In the plaint, it was *inter alia* pleaded that the plaintiff is sole legal heir and legal representative of the entire estate of the plaintiff's father late G.Subbaiah Chetty and late A. Rajamma, step mother of the plaintiff, that the said G.Subbaiah Chetty and late A. Rajamma died intestate leaving behind them, the plaintiff being their sole legal heir succeeded to the entire estate. It is also pleaded that the said late A.Rajamma let out the plaint B to D schedule shops and E Schedule flat to the defendants / respondents on monthly rental basis and after demise of the said A. Rajamma, as per the instructions of the plaintiff, the 1st defendant had been paying monthly rents to the LIC Housing Finance Ltd., Tirupati, for discharging the housing loan availed by late A. Rajamma and the 1st defendant discontinued payment of housing loan installments from March, 2017. It is also alleged that the defendants stopped paying monthly rentals to the plaintiff and further that the defendants with a mala fide intention to knock away the plaint schedule

properties got issued legal notice dated 01.10.2014 stating that the said A. Rajamma, executed a Will on 21.01.2008 in favour of the 2nd defendant in respect of the plaint schedule properties. The 1st defendant / 1st respondent filed written statement and the 2nd defendant / 2nd respondent adopted the same. In the detailed written statement several aspects with regard to the services / help extended by the defendants to the said A. Rajamma during her lifetime were set out. A specific stand / plea that due to love and affection, the said Rajamma executed a Will in favour of the 2nd defendant on 21.01.2008 was taken. On the basis of the said Will the defendants claim that they are the absolute owners of the plaint schedule properties and as such, the plaintiff is not entitled for the declaration much less, the relief sought for in the suit.

3) During the pendency of the suit, the petitioner / plaintiff filed I.A.No.16 of 2025 under Section 151 of CPC seeking a direction to the respondents / defendants to furnish the particulars of the tenants in occupation of the portions of the plaint schedule properties and the monthly rents being paid by them. A separate application i.e., I.A.No.17 of 2025 was also filed under Section 151 of CPC seeking a direction to the defendants to deposit the monthly rents payable by them for occupation of "a portion" of the plaint schedule properties and the rents collected from the tenants into the court. The learned Trial Court after

considering the submissions made, by common order dated 26.06.2025 dismissed the said applications.

4) The learned counsel for the petitioner made submissions to impress upon this Court that the orders under revision suffers from incorrect exercise of jurisdiction. He submits that the learned Trial Court failed to consider the matter in the correct perspective and went wrong in not appreciating several contentions made with reference to the alleged Will dated 21.01.2008. He submits that the learned Trial Court ought to have appreciated that the petitioner / plaintiff is the sole successor of the plaint schedule properties and even as per the admitted case of the respondents / defendants they are the tenants of Smt. A. Rajamma and therefore, they cannot be allowed to enjoy the plaint schedule properties much less, without payment of rents. That apart, he also submits that the defendants / respondents inducted others as tenants in some portions of the suit schedule properties, collecting huge rents and not remitting the same to the plaintiff. He submits that under the said circumstances, more particularly as the petitioner/plaintiff would not be in a position to recover the rentals, the applications in under question were filed and the learned Trial Court erroneously dismissed the same. He further submits that by depositing the rents into the Court, no prejudice would be caused to the respondents/defendants, as the same would be subject to the result of

the suit. Making the said submissions, learned counsel seeks to allow the Revision Petitions by setting aside the impugned common order.

5) On the other hand, learned counsel for the respondents made submissions to sustain the order passed by the learned Trial Court. Referring to the specific averments made in the written statement, the learned counsel contends that the respondents / defendants joined as tenant of Smt. A. Rajamma, however, in view of the services rendered by them in the times of need, the said Rajamma executed a Will dated 21.01.2008 in respect of the suit schedule properties and therefore they are no longer tenants of the plaint schedule properties. Be that as it may. He submits that as there is a cloud in respect of the title over the subject matter properties, the learned Trial Court had rightly opined that the issues are to be resolved by conducting full-fledged trial. He also submits that in so far as the allegation that the respondents / defendants are collecting rents to a tune of Rs.75,000/- per month, no evidence was adduced. He submits that there is no illegality or perversity in the common order under challenge and there are no merits in the Revision Petitions warranting interference of this Court under Article 227 of the Constitution of India.

6) This Court has considered the submissions made. Perused the material on record.

7) On an appreciation of the rival contentions the point that arises for adjudication is “Whether the impugned order is liable to be set aside in the facts and circumstances of the case?”

8) At the outset, it may be pertinent to state that parties to the suit i.e., petitioner and respondents claim ownership / rights over the plaint schedule properties by taking definite stand in the pleadings. The suit was filed in the year 2017. Initially a written statement was filed in the year 2018 and an additional written statement was filed in 2024. Though in the plaint a plea was taken to the effect that the respondents / defendants are not paying rents in respect of the plaint schedule properties and the plaintiff is entitled for damages for illegal use and occupation of the plaint B to E schedule properties, no relief is sought except declaration of title over the plaint schedule properties and a direction for delivery of vacant possession of plaint B to E schedule properties. Curiously, the applications in question were filed after five years of filing of the suit seeking a direction to deposit the rents being allegedly collected by the respondents / defendants. Such a prayer goes beyond the relief sought for in the suit.

9) Further, the learned Trial Court, as is evident from the impugned order, on an appreciation of the averments in the plaint as well as the written statement expressed the view that the status of the respondents / defendants as tenants and subletting the plaint schedule properties to

third parties has to be determined only at the time of trial based on the issues framed in the main suit. The said opinion of the learned Trial Court against the background of the respective stands taken by the petitioner / plaintiff and the respondents / defendants cannot be found fault with. That apart, as rightly pointed out by the learned counsel, it is for the petitioner / plaintiff to establish that rents are being collected by respondents / defendants, by adducing oral and documentary evidence. In the absence of valid proof, even assuming that there is some justification in the claim made by the petitioner / plaintiff, no relief can be granted. In such view of the matter, and as this Court see no substance in the arguments advanced by the learned counsel for the petitioner, the same are rejected.

10) In the result, the Revision Petitions fail and the same are accordingly dismissed. No costs.

11) Consequently, the Miscellaneous Applications pending, if any, shall also stand dismissed.

NINALA JAYASURYA,J

Date:22.04.2026.

Ssv

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

CIVIL REVISION PETITION NOS: 2290 AND 2294 OF 2025

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Ssv

The issue involved in the present Civil Revision Petitions is similar and therefore the same are disposed of by this Common order.