



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

[3331]

TUESDAY, THE 11th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION Nos.2520 and 2521 of 2025

CIVIL REVISION PETITION NO: 2520/2025

Between:

1. PENUGUDURU NAGAMANI, W/O. VEERRAJU, HINDU, AGED ABOUT 75 YEARS, 1. HOUSE-WIFE, RESIDENT OF DOOR NO.13-459, YANAMALAKUDURU VILLAGE PENAMALURU MANDAL, KRISHNA DISTRICT, A.P., WITHIN THE LIMITS OF THE J.C.J.C., VIJAYAWADA.
2. PENUGUDURU KALI SANKAR,, S/O. VEERRAJU, HINDU, AGE ABOUT 45 YEARS, PRIVATE EMPLOYEE, RESIDENT OF DOOR NO. 13-459, YANAMALAKUDURU VILLAGE, PENAMALURU MANDAL, KRISHNA DISTRICT, A.P., WITHIN THE LIMITS OF THE J.C.J.C., VIJAYAWADA.

...PETITIONER(S)

AND

1. REHMAN, S/O. KHADAR BAIG, MUSLIM, AGED ABOUT 50YRS. PRIVATE EMPLOYEE, RESIDENT OF DOOR NO.13-48-2, BHAGATTI SINGH NAGAR, 2ND ROAD. YANAMALAKUDURU VILLAGE, PENAMALURU MANDAL, KRISHNA DISTRICT, A.P.
2. ABDUL HADI, S/O. NOT KNOWN TO THE PLAINTIFFS, MUSLIM, AGED ABOUT 40 YEARS. PRIVATE EMPLOYEE, RESIDENT OF DOOR NO.13-48-2, BHAGATH SINGH NAGAR, 2ND ROAD, YANAMALAKUDURU VILLAGE, PENAMALURU MANDAL,

KRISHNA DISTRICT, A.P.

3. CHIKKALA SUBRAHMANYAM, S/O. SUBBACHARYULU, HINDU, AGED ABOUT 60 YEARS, RETIRED EMPLOYEE, RESIDENT OF DOOR NO.13-460, LAKSHMI NAGAR, YANAMALAKUDURU VILLAGE, PENAMALURU MANDAL, KRISHNA DISTRICT, A.P.

4. THE TAHSILDAR, PENAMALURU MANDAL, PENAMALURU, KRISHNA DISTRICT, A.P.

5. THE MUNICIPAL COMMISSIONER, TADIGADAPA MUNICIPALITY, TADIGADAPA, KRISHNA DISTRICT, A.P.

...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 allow my Revision Petition and set aside the Order dated 2.9.2025 passed in I.A No. 4 of 2025 in O.S no 1939 of 2021 by the Court of the IV Additional jr civil Judge cum IV Addl metropolitan Magistrate, Vijayawada

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 stay all further proceedings pursuant to the orders dated 2.9.2025 passed in I.A no. 4 of 2025 in O.S no 1939 of 2021 by the IV Additional Jr Civil Judge cum IV Addl Metropolitan Magistrate, Vijayawada pending disposal of the main C.RP before this Hon'ble court and pass

Counsel for the Petitioner(S):

1. HARI KRISHNA TATA

Counsel for the Respondent(S):

1. SIREESHA RANI VALLABHANENI SC For MUNICIPALITIES

2.

CIVIL REVISION PETITION NO: 2521/2025

Between:

1. PENUGUDURU NAGAMANI,, W/O. VEERRAJU, HINDU, AGED ABOUT 75 YEARS, HOUSE-WIFE, RESIDENT OF DOOR NO.13-459, YANAMALAKUDURU VILLAGE, PENAMALURU MANDAL, KRISHNA DISTRICT, A.P., WITHIN THE LIMITS OF THE J.C J.CJ, VIJAYAWADA.
2. PENUGUDURU KALI SANKAR,, S/O. VEERRAJU, HINDU, AGED ABOUT 45 YEARS. PRIVATE EMPLOYEE, RESIDENT OF DOOR NO. 13-459, YANAMALAKUDURU VILLAGE, PENAMALURU MANDAL, KRISHNA DISTRICT, A.P., WITHIN THE LIMITS OF THE J.C.J.C., VIJAYAWADA.

...PETITIONER(S)

AND

1. REHMAN, S/O. KHADAR BAIG, MUSLIM, AGED ABOUT 50 YEARS. PRIVATE EMPLOYEE, RESIDENT OF DOOR NO. 13-48-2, BHAGATH SINGH NAGAR, 2ND ROAD, YANAMALAKUDURU VILLAGE, PENAMALURU MANDAL, KRISHNA DISTRICT, A.P.
2. ABDUL HADI, S/O. NOT KNOWN TO THE PLAINTIFFS, MUSLIM, AGED ABOUT 40 YEARS. PRIVATE EMPLOYEE, RESIDENT OF DOOR NO. 13-48-2, BHAGATH SINGH NAGAR, 2ND ROAD, YANAMALAKUDURU VILLAGE, PENAMALURU MANDAL, KRISHNA DISTRICT, A.P.
3. CHIKKALA SUBRAHMANYAM, S/O. SUBBACHARYULU, HINDU, AGED ABOUT 60 YEARS, RETIRED EMPLOYEE, RESIDENT OF DOOR NO,13-460, LAKSHMI NAGAR, YANAMALAKUDUNI VILLAGE, PENAMALURU MANDAL, KRISHNA DISTRICT, A.P.
4. THE TAHSILDAR, PENAMALURU MANDAL, PENAMALURU, KRISHNA DISTRICT, 4. A.P.
5. THE MUNICIPAL COMMISSIONER, TADIGADAPA MUNICIPALITY, TADIGADAPA, KRISHNA DISTRICT, A.P. RESPONDENT /PETITIONER / DEFENDANTS (RESPONDENTS 3 TO 5 SET EX PARTE VIDE ORDER DATED 29.04.2022)

...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 allow my Revision Petition and set aside the Order dated 2.9.2025 passed in LA No. 3 of 2025 in O.S no 1939 of 2021 by the Court of the N Additional Jr Civil Judge cum IV Addl Metropolitan Magistrate, Vijayawada

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 stay ail further proceedings pursuant to the orders dated 2.9.2025 passed in I.A no. 3 of 2025 in O.S no 1939 of 2021 by the IV Additional Jr Civil Judge cum IV Addl Metropolitan Magistrate, Vijayawada pending disposal of the main C.R.P before this Hon'ble court

Counsel for the Petitioner(S):

1.HARI KRISHNA TATA

Counsel for the Respondent(S):

1.SIREESHA RANI VALLABHANENI SC For MUNICIPALITIES

2.

The Court made the following:

COMMON ORDER

Since the issue involved in the two revisions are inter-related, arising out of the same O.S.No.1939 of 2021 on the file of the IV Additional Junior Civil Judge-cum-IV Additional Metropolitan Magistrate, Vijayawada, this Court deems it appropriate to dispose of the revisions by way of a common order.

2. Heard Sri Tata Hari Krishna, learned counsel for the petitioners and Sri Karthik, learned counsel representing Smt.V.Sireesha Rani,

learned counsel for the 5th respondent. Despite service of notice, none appeared on behalf of respondents 1 and 2.

3. Plaintiffs in the suit, filed the above revisions against the docket orders dated 02.09.2025 in I.A.No.4 of 2025 and I.A.No.3 of 2024 in O.S.No.1939 of 2021 on the file of the IV Additional Junior Civil Judge-cum-IV Additional Metropolitan Magistrate, Vijayawada.

4. Plaintiffs filed suit O.S.No.1939 of 2021 against the defendants seeking perpetual injunction. The suit was coming up for further evidence of the defendants. At that stage, the defendants filed I.A.No.4 of 2025 under Order XVIII Rule 17 and Section 151 of CPC to recall P.W.1 for further cross-examination. The defendants also filed I.A.No.3 of 2025 under Section 151 of CPC to reopen the evidence of the plaintiff for cross-examination of P.W.1.

5. In the affidavits filed in support of the respective petitions, it was contended that the suit was posted to 27.03.2024 for cross-examination of P.W.1. The counsel could not appear due to a family function, and hence, the evidence of P.W.1 was closed. The cross-examination of P.W.1 is essential.

6. A counter was filed by the plaintiff and opposed the application. It was contended, inter alia, that P.W.1 was cross examined by the learned counsel for defendants before 14.09.2023 exhaustively and the applications were filed only to fill up lacunae.

7. The trial Court considering the contentions on either side, allowed the I.A.Nos.3 and 4 of 2025, subject to payment of Rs.500/- to the respondents 1 and 2 in each I.A.

8. Sri Tata Hari Krishna, learned counsel for the petitioners would submit that no reasons were assigned by the defendants to recall P.W.1 for further cross examination. He would submit that the applications were filed to fill up the lacunae. He would also submit that P.W.1 is an old lady.

9. The trial Court while allowing the applications observed thus:

“Though there is lack of due diligence on the part of the petitioners and that the cross examination of P.W.1 was treated as NIL and closed on 27.03.2024, this Court is of the view that the right of cross examination is a vital component of fair trial and that the petitioners should be afforded one effective opportunity to cross examine P.W.1. Further, the suit involves determination of substantive rights and liabilities of the parties, and therefore, it is in the interest of justice to permit the petitioners to participate fully in the trial. Additionally, keeping in view the inconvenience caused to the respondent, this Court is of the view that the petition deserves to be allowed on costs.

In the result, the petition is allowed, subject to payment of Rs.500/- to the respondents 1 and 2 ...”

10. The trial Court exercised the jurisdiction vested in it. In fact, the trial Court allowed the applications on payment of costs, and it seems the plaintiffs received the said costs also. Having received the costs, in normal course, the plaintiffs cannot challenge the orders. However, this Court is not going into the said aspect. The discretion exercised by the Trial Court does not call for any interference by this Court. This Court, while exercising the jurisdiction under Article 226 of the Constitution of India, normally will not act as an appellate Court and substitute its opinion, unless the order suffers from perversity. However, in this case,

the trial court exercised the jurisdiction and allowed the orders on payment of costs. This Court is reminded that the procedure is the handmaid of justice. Technicalities shall not come in the way.

11. Given the discussion *supra*, the orders under revisions brook no interference while exercising the supervisory jurisdiction. There are no merits in the revisions. The revisions are liable to be dismissed.

12. Accordingly, both the Civil Revision Petitions are Dismissed. No costs.

It is made clear that P.W.1 shall appear before the trial Court on the next date of hearing and the defendants shall cross examine P.W.1 on the same day itself.

As a sequel, all the pending miscellaneous applications shall stand closed.

JUSTICE SUBBA REDDY SATTI

PVD