



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

[3457]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE HARINATH.N
CIVIL REVISION PETITION NO: 1177/2021**

Between:

1. P NARSIMHA CHOUDARY (DIED), SRI. PENUMARTHI NARASIMHA CHOWDHARY (DIED)
2. VAKALAPUDI RAJABABU, S/O. NARAYANAMURTHY, HINDU, 39Y, BUSINESS, R/O. REVELLAPALEM, MADURAVADA, VISAKHAPATNAM, A.P.

...PETITIONER(S)

AND

1. SRI GUNNAM SURYA RAO, S/O. VEERAVENKATA SATYANARAYANA, HINDU, 58Y, D.NO. 8-44-1, NEAR CBI OFFICE, VISAKHAPATNAM, STATE OF A.P.
2. SRI MALLIPUDI PADMAVATHI, W/O. SRI M.V.V. KRISHNA CHOWDARY, HINDU, 40Y, VADALAKUNTA VILLAGE, GOPALAPATNAM MANDAL, WEST GODAVARI DT.
3. KONERU SURESH, S/O. SRI. BAPAYYA, HINDU, 45Y, D.NO. 10-28-4/20, B-3, WALTAIR APPLIANCE, VISAKHAPATNAM, 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

IA NO: 1 OF 2021

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 1169 days in representing the above said C.R.P. vide C.R.S.R. No. 40654/2018, dated 18.07.2018, otherwise the petitioners will be put to irreparable loss and hardship and passed such other order or orders in the circumstances of the case.

Counsel for the Petitioner(S):

1. A RAVEENDRA BABU

Counsel for the Respondent(S):

1. NARISINGA RAO AMPOLU

The Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N**CIVIL REVISION PETITION No.1177 OF 2021****ORDER:**

1. The petitioners are aggrieved by the docket order dated 26.02.2018 passed in I.A. No.15 of 2014 in O.S. No.164 of 2005 by the learned VI Additional Senior Civil Judge, Visakhapatnam, whereby the application filed by the second plaintiff seeking to set aside the order of dismissal dated 28.10.2014.
2. The learned counsel for the petitioners submits that the learned Judge erred in dismissing the said I.A. on the ground that I.A. No.692 of 2016 had been dismissed, thereby rendering I.A. No.15 of 2014 infructuous. It is submitted that I.A. No.692 of 2016 was filed by the legal heirs of the first plaintiff seeking condonation of delay in filing the necessary applications for setting aside the abatement and for bringing the legal representatives of the first plaintiff on record. Whereas, I.A. No.15 of 2014 was filed by the second plaintiff seeking to set aside the order of dismissal dated 28.10.2014. The maintainability of I.A. No.692 of 2016 and that of I.A. No.15 of 2014 are entirely different, and therefore, the learned Judge ought not to have interconnected both the applications.
3. The learned counsel appearing for the respondents submits that the petitioners were also aware of the application filed by the legal heirs of the first plaintiff, and the second plaintiff himself had filed an affidavit

before the Court seeking condonation of delay along with the legal heirs of the first plaintiff.

4. Heard the learned counsel for the petitioners and the learned counsel for the respondents. Perused the material on record.
5. The docket order dated 26.02.2018 reads as follows ;

“IA No. 692 of 2016 is dismissed and hence this petition became infructuous. Hence, here with dismissed”.

6. The said order is liable to be set aside, as the learned Judge erred in interlinking the prayer of the petitioner in I.A. No.692 of 2016 with the prayer of the petitioner in I.A. No.15 of 2014. As seen from the affidavit filed by the petitioner, reference is made to the docket order dated 28.10.2014; however, the impugned order is the docket order dated 26.02.2018, which deserves to be set aside. Consequently, the application filed by the petitioner under Order IX Rule 9 CPC deserves to be allowed.
7. Accordingly, the Civil Revision Petition is allowed. There shall be no order as to costs.

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

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THE HONOURABLE SRI JUSTICE HARINATH.N

CIVIL REVISION PETITION NO.1177 OF 2021

Dated 20.04.2026

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