

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**WEDNESDAY THE TWELFTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI



CIVIL REVISION PETITION NO: 3085 OF 2024

Petition under Article 227 of the Constitution of India, is filed having been aggrieved by Non disposal of E.P.No.19 of 2023 in O.S.No.450 of 2011, and on the file of Senior Civil Judge, Dhone forthwith, in the interest of justice and in the circumstances of the case

Between:

N Parvathi Devi, aged about 61 years W/o Nandigama Ramauhandra Rao, Housewife, R/o D.No.4-149-122-2-6, Near Geetarijali Grammar School, Teachers Colony, Dhone Town Mandal, Nandyal District.

...PETITIONER

AND

1. S Naveen Kumar, aged about 32 years, S/o Sadhanagiri Rama Krishna Reddy, Software Engineer, R/o D.No.9/122, Sri Raghavendra Swamy Temple Street, Kothapeta, Dhone Town and Mandal, Nandyal District.
2. S. Dileep Kumar, , aged about 31 years, S/o Sadhanagiri Rama Chandra Krishna Reddy, Chartered Accountant, R/o D.No.9/122, Sri Raghavendra Swamy Temple Street, Kothapeta, Dhone Town and Mandal, Nandyal District.

3. S. Rama Krishna Reddy, , aged about 65 years, S/o late S. Narasimha Reddy, Business, R/o D.No.9/122, Sri Raghavendra Swamy Temple Street, Kothapeta, Dhone Town and Mandal, Nandyal District.

...RESPONDENTS

Counsel for the Petitioner : SRI P RAJASEKHAR

Counsel for the Respondents : SRI K RATHANGA PANI REDDY

The Court made the following ORDER :

APHC010531242024



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

[3311]

Wednesday, the Twelfth Day of March, 2025

Present

The Honourable Ms Justice B.S.Bhanumathi

Civil Revision Petition No: 3085 of 2024

Between:

N Parvathi Devi

...Petitioner

AND

S Naveen Kumar and others

...Respondent(S)

Counsel for the Petitioner:

1.P Rajasekhar

Counsel for the Respondent(S):

1.K Rathanga Pani Reddy

The Court made the following:

ORDER:

This revision petition is filed under Article 227 of Constitution of India aggrieved by non-disposal of E.P.No.19 of 2023 in O.S.No.450 of 2011 on the file of the Court of Civil Judge (Senior Division), Dhone, Kurnool District filed under Order XXI, rules 35 & 36 and Section 151 C.P.C to vacate the J.Dr.Nos.1 to 3 and deliver vacant possession of the E.P. schedule property to the D.Hr/revision petitioner.

02. It is the contention of the revision petitioner that merely because S.A.No.609 of 2023 filed before this High Court against the decree under execution is pending, though there is no order of stay of execution of decree, the Court is not proceeding with the execution. The learned counsel for the petitioner placed reliance on the decision of Supreme Court in **Sanjiv Kumar Singh vs. The State of Bihar and others**¹, wherein it is held that unless there is an interim order granted, mere filing of appeal would not operate as stay.

03. The petitioner further contended that she is a senior citizen aged about 61 years and has undergone a cardiac surgery and her husband is aged about 73 years and suffers from cardiac and age related ailments.

04. Recently, on 06.03.2025, the Supreme Court in **Periyammal (dead) Through LRs and others vs. V.Rajamani and another**², directed all courts to dispose of execution petitions within time of six months holding presiding officer liable for failure, referring to earlier decision of the Supreme Court in **Rahul S Shah vs. Jitendra Kumar Gandhi**³.

¹ 2023 LiveLaw (SC) 63

² 2025 SCC OnLine SC 507

³ (2021) 6 SCC 418

05. All three respondents are being represented through a common counsel before the execution Court. Though notice was served on the 3rd respondent and appeared through counsel, no representation has been made today. The learned counsel for the petitioner submitted that he had sent notices to 1st and 2nd respondents to the addresses as given before the execution Court, but they were returned unserved as 'door locked for seven days continuously' and that such service of notice is deemed sufficient, however, as per the direction of this Court dated 12.02.2025 by the previous bench, notices were sent, but acknowledgments or unserved notices were not received. Under the above circumstances, this Court proceeded with hearing the learned counsel for the petitioner, particularly as no adverse relief is claimed by the petitioner, except to expedite the execution proceedings.

06. For the all the above reasons, the revision petition is disposed of with a direction to the execution Court to dispose of E.P.No.19 of 2023 in O.S.No.450 of 2011 as early as possible keeping in view of the decision of the Supreme Court in **Sanjiv Kumar Singh** (supra) and direction of the Supreme Court in **Periyammal** (supra). There shall be no order as to costs.

Interim orders granted earlier, if any, shall stand vacated.

Pending miscellaneous applications, if any, shall stand closed.

SD/- N.NAGAMMA

ASSISTANT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. The Civil Judge, (Senior Division) Dhane Kurnool District

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2. The Addl. Civil Judge (Senior Division) Kurnool
 3. One CC to Sri. P Rajasekhar Advocate [OPUC]
 4. One CC to Sri. K Rathanga pani Reddy Advocate [OPUC]
 5. THREE CD COPIES
- TAC

HIGH COURT

DATED :12/03/2025

ORDER

CRP.No.3085 of 2024



DISPOSING THE CRP