



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

[3329]

FRIDAY, THE 10th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

CIVIL REVISION PETITION NO: 674/2026

Between:

1.KONURI NALINI, W/O. JITHENDRA, AGED ABOUT 40 YEARS, R/O.
FLAT NO. 101/3, SR DEVELOPERS, GAJULA RAMARAM, KPHB,
HYDERABAD

...PETITIONER

AND

1.CHINNAM AYYAVARLU, S/O. LATE PARASURAMULU
(PETITIONER), AGED ABOUT 68 YEARS,GONASAPUDI, NOW AT
BHAGYANAGAR, ONGOLE.

2.CHINNAM MALLIKARJUNA RAO, (DIED).

3.CHINNAM SESHAMMA, W/O. LATE PARASURAMULU, AGED
ABOUT 88 YEARS, GONASAPUDI VILLAGE, CHINNAGANJAM
MANDAL, PRAKASAM DISTRICT.

4.CHINNAM SUBBARAVAMMA, W/O. LATE MALLIKARJUNA RAO,
AGED ABOUT 60 YEARS, GONASAPUDI VILLAGE,
CHINNAGANJAM MANDAL, PRAKASAM DISTRICT.

5.CHINNAM SRIRAMULU, S/O. LATE MALLIKARJUNA RAO, AGED
ABOUT 42 YEARS, HINDU, GONASAPUDI, CHINNAGANJAM
MANDAL, PRAKASAM DISTRICT.

6.GOTTIPATI ANITHA, W/O. ANJIBABU, AGED ABOUT 44 YEARS,
GOLLAPALLI VILLAGE, MARTUR MANDAL, BAPATIA 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 to be presented to present the Memorandum of Civil Revision Petition against the order passed in I.A.No.688 OF2025 in . I.A.No.679 OF2022 in F.D.I.A.No.38 OF2013 in O.S.No.84 OF2004 on the file of the Hon'ble Civil Judge (Senior Division) At Chirala

IA NO: 1 OF 2026

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 115 days of Representation of the in CRP..No.674 of 2026 and pass

IA NO: 2 OF 2026

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 the further proceedings in O.S.No. 84 of 2004 including the F.D.I.A.No. 38 of 2013 in O.S.No. 84 of 2004 on the file of the Hon'ble Civil Judge (Senior Division), Chirala, and pass

Counsel for the Petitioner:

1.PONNADA SREE VYAS

Counsel for the Respondent(S):

1.MADHAVA RAO NALLURI

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**CIVIL REVISION PETITION NO: 674/2026****ORDER:**

The Civil Revision Petition is filed aggrieved by the order passed in I.A.No.688 of 2025 in I.A.No.679 of 2022 in F.D.I.A.No.38 of 2013 in O.S.No.84 of 2004 on the file of the Civil Judge (Senior Division) at Chirala.

2. The petitioner herein is respondent No.6 in the Final Decree proceedings, respondent No.1 is plaintiff and the other respondents are defendants in the suit. For the sake of convenience of this Court, the parties are referred as arrayed in this Revision Petition.

3. The suit is filed for partition of the suit schedule properties between the plaintiff and the defendants. The subject I.A. is filed under Section 10 read with 151 of CPC seeking stay of all further proceedings in final decree petition in F.D.I.A.No.38 of 2013 including any sale of auction of properties till final adjudication of O.S.No.82 of 2022 filed by her on the file of Additional Senior Civil Judge, Ongole for partition of all the ancestral and joint family properties including other properties that are the subject matter of the present final decree. The 1st respondent herein/plaintiff filed O.S.No.84 of 2004 on the file of the Senior Civil Judge, Chirala for partition of the suit schedule properties. In the said suit, preliminary decree was passed, wherein F.D.I.A.No.38 of 2013 is filed seeking final decree in terms of the preliminary decree passed in O.S.No.84 of 2004. The contention of the learned counsel for the petitioner

herein is that she filed O.S.No.82 of 2022 seeking partition of the entire ancestral properties and joint family properties including suit schedule properties shown in the present suit, if the final decree proceedings are proceeded the petitioner would suffer irreparable loss and hardship. Therefore, the final decree proceedings in F.D.I.A.No.38 of 2013 should not be proceeded till completion of the adjudication of O.S.No.82 of 2022. He further submits that the trial Court erroneously dismissed the I.A. on the ground that the subject application is filed after twelve years of the preliminary decree and the petitioner herein is not party to the suit in O.S.No.84 of 2004. Therefore, the application is not maintainable. The said finding of the court below is contrary to the law and liable to be dismissed.

4. On the other hand, learned counsel for respondents submits that admittedly a preliminary decree was passed in O.S.No.84 of 2004, the same became final and final proceedings in F.D.I.A.No.38 of 2013 are pending for passing final decree. He further submits that once the preliminary decree became final, the final decree proceedings cannot be stalled at any rate much less by the petitioner herein/plaintiff in the suit O.S.No.82 of 2022 who is not party to O.S.No.84 of 2004. Therefore, the trial Court rightly dismissed the application of the petitioner.

5. Heard both the learned counsel and perused the material placed on record, the fact remains that there is a preliminary decree in O.S.No.84 of 2004 is already passed on 30.10.2008. The said preliminary decree has become final. After five years of the preliminary decree, the respondent No.1/plaintiff in the

suit filed F.D.I.A.No.38 of 2013 to pass a final decree, the same is pending for consideration. It is observed that the trial Court rightly dismissed the claim of the petitioner herein being a third party to the decree which already became final and cannot be stalled the further proceedings, much less the final decree proceedings in accordance with law. It is further observed that the claim of the petitioner that till completion of the adjudication of her suit in O.S.No.82 of 2022, the entire final decree proceedings should be stalled, the said plea of the petitioner is erroneous pleading on the part of the petitioner for the reason since the preliminary decree become final and said decree cannot be allowed to make redundant. It is settled legal position that any decree or judgment of the court cannot be allowed to kept idle or to become redundant. Therefore, the trial Court rightly dismissed the application of the petitioner on the ground that the petitioner is third party to the original suit. Therefore, this Court do not find any merits in the case of the petitioner and also do not find any reasons or ground to interfere with the order of the trial Court.

6. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

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

VENKATESWARLU NIMMAGADDA, J

10.07.2026

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