



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

**[3331]**

**TUESDAY, THE 28<sup>th</sup> DAY OF JULY 2026**

**PRESENT**

**THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

**CIVIL REVISION PETITION NOs: 2695, 2696 and 2697 of 2025**

**CIVIL REVISION PETITION NO: 2695 of 2025**

**Between:**

1. GADEKARI SREENIVASULU, S/O LATE G.VENKATA SWAMY, AGED ABOUT 55 YEARS, OCC - BUSINESS R/O.H.NO.2/25, HUSSAINAPURAM VILLAGE, ORVAKAL MANDAL, KURNOOL DISTRICT, A.P.

**...PETITIONER**

**AND**

1. G RAMANAMMA, , W/O.G.RAMANA REDDY, D/O LATE G.VENKATA SWAMY, AGED ABOUT 53 YEARS, R/O.P.RUDRAVARAM VILLAGE, KURNOOL MANDAL AND DISTRICT.

2. GADEKARI SUBBA REDDY, S/O.LATE G.VENKATA SWAMY, AGED ABOUT 45 YEARS, OCC - BUSINESS R/O.D.NO.2/26, HUSSAINAPURAM VILLAGE, ORVAKAL MANDAL, KURNOOL 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 be at the time of hearing of the Revision case. a. allow the C.R.P., by setting aside the Order dt.02.09.2025 in LA.No.236 of 2025 in O.S.No.23 of 2022 on the file of Hon'ble Principal Civil Judge (Senior Division) at Kurnool b. and pass

**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 including trial in O.S.No.23 of 2022 on the file of Hon'ble Principal Civil Judge (Senior Division) at Kurnool, pending disposal of the main C.R.P., and pass

**IA NO: 2 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 vacate the interim order dated 14.10.2025 in I.A.No.1/2025 in the above C.R.P.No.2695/2025 and pass

**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 May be pleased to extend the interim order granted by this Honble Court in I.A.1 of 2025, dt.14.10.2025 in CRP NO: 2695 OF 2025, pending CRP and pass

**Counsel for the Petitioner:**

1. SURESH KUMAR REDDY KALAVA

**Counsel for the Respondent(S):**

1. G MANI KUMAR

**CIVIL REVISION PETITION NO: 2696/2025**

**Between:**

1. GADEKARI SREENIVASULU, S/O.LATE G.VENKATA SWAMY, AGED ABOUT 55 YEARS, OCC- BUSINESS R/O.H.NO.2/25, HUSSAINAPURAM VILLAGE, ORVAKAL MANDAL, KURNOOL DISTRICT, A.P.

**...PETITIONER**

**AND**

- 1.G RAMANAMMA, , W/O.G.RAMANA REDDY, D/O LATE G.VENKATA SWAMY, AGED ABOUT 53 YEARS, R/O.P.RUDRAVARAM VILLAGE, KURNOOL MANDAL AND DISTRICT.
- 2.GADEKARI SUBBA REDDY, S/O.LATE G.VENKATA SWAMY, AGED ABOUT 45 YEARS, OCC - BUSINESS R/O.D.NO.2/26, HUSSAINAPURAM VILLAGE, ORVAKAL MANDAL, KURNOOL 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 the Revision Petition is being preferred aggrieved by the Docket Order dt.02.09.2025 in I.A.No.237 of 2025 in O.S.No.23 of 2022 on the file of Honble Principal Civil Judge (Senior Division) at Kurnool

**Counsel for the Petitioner:**

- 1.SURESH KUMAR REDDY KALAVA

**Counsel for the Respondent(S):**

- 1.G MANI KUMAR

**CIVIL REVISION PETITION NO: 2697/2025**

**Between:**

- 1.GADEKARI SREENIVASULU, S/O.LATE G.VENKATA SWAMY, AGED ABOUT 55 YEARS, OCC . BUSINESS R/O.H.NO.2/25, HUSSAINAPURAM VILLAGE, ORVAKAL MANDAL, KURNOOL DISTRICT, A.P.

**...PETITIONER**

**AND**

- 1.G RAMANAMMA, W/O.G.RAMANA REDDY, D/O LATE G.VENKATA SWAMY, AGED ABOUT 53 YEARS, R/O.P.RUDRAVARAM VILLAGE, KURNOOL MANDAL AND DISTRICT.
- 2.GADEKARI SUBBA REDDY, S/O.LATE G.VENKATA SWAMY, AGED ABOUT 45 YEARS, OCC . BUSINESS R/O.D.NO.2/26, HUSSAINAPURAM VILLAGE, ORVAKAL MANDAL, KURNOOL 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 the C.R.P., by setting aside the Order dt.02.09.2025 in I.A.No.238 of 2025 in O.S.No.23 of 2022 on the file of Hon'ble Principal Civil Judge (Senior Division) at Kurnool b. and pass

**Counsel for the Petitioner:**

1.SURESH KUMAR REDDY KALAVA

**Counsel for the Respondent(S):**

1.G MANI KUMAR

**The Court made the following:**

**COMMON ORDER**

Heard Sri Suresh Kumar Reddy Kalava, learned counsel for the revision petitioner/defendant No.1 and G. Mani Kumar, learned counsel for respondent No.1/plaintiff.

2. Since the issue in these revisions is interconnected, they are disposed of by this common order.
3. For the sake of convenience, the parties in these revisions shall be referred to as per their array in the suit O.S.No.23 of 2022 on the file of the learned Principal Civil Judge (Senior Division), Kurnool.
4. Defendant No.1 in the suit O.S.No.23 of 2022 filed C.R.P.Nos.2596, 2596 and 2597 of 205 against separate orders, dated 02.09.2025 in I.A.Nos.236, 237 and 238 of 2025, respectively.
5. Respondent No.1, being the plaintiff, filed suit O.S.No.23 of 2022 seeking partition of the plaint schedule properties and to allot 1/3<sup>rd</sup> share to the plaintiff along with defendants 1 and 2; for mesne profits, etc.

6. In the plaint it was pleaded that the plaintiff is the daughter and the defendants are sons of late G. Venkata Swamy and Ramulamma. Said G. Venkata Swamy died in the year 2019 and his wife predeceased him in 2018. Thereafter, the plaintiff and the defendants are in joint possession and enjoyment of the suit schedule properties. Though the plaintiff demanded amicable partition from the defendants several times, the defendants did not come forward for amicable partition. Therefore, the plaintiff got issued legal notice, dated 01.03.2021, calling upon the defendants for amicable partition and thereafter instituted the suit.

7. Defendant No.1 filed a written statement. It was contended, *inter alia*, that during the lifetime of G. Venkata Swamy, an amicable settlement of all the ancestral properties took place in the year 2002. Subsequently, again in 2011, on a dispute raised by defendant No.2 with their father, regarding the allotment of the properties, all three sharers, i.e. father and defendants 1 and 2, entered into a registered partition deed, dated 31.03.2011. Defendant No.1 has been in exclusive peaceful possession of the lands that fell to his share, which is within the knowledge of the plaintiff. The plaintiff has no share in the suit schedule properties. Eventually, the plaintiff prayed to dismiss the suit.

8. The plaintiff's evidence was closed, and defendant No.1 was examined himself as D.W.1. The suit is coming up for further evidence of the defendants. At that stage, the defendant filed I.A.No.236 of 2025 under Order VIII Rule 1 and Section 151 of the Code of Civil Procedure, 1908 (C.P.C.) to receive two documents i.e. 1) unregistered partition document, dated 08.10.2002 and registered partition deed, dated 31.03.2011 (document No.980/2011); I.A.No.237 of 2025 under Section 151 C.P.C. to receive additional chief examination affidavit of defendant No.1 and I.A.No.238 of

2025 under Order XVIII Rule 17 and Section 151 C.P.C. to recall DW1 for the purpose of marking the documents.

9. In the affidavits filed in support of the petitions, it was contended that during the cross-examination of D.W.1, he was questioned about the unregistered partition deed, dated 08.10.2002 and registered partition deed, dated 31.03.2011. It was pleaded that by mistake those documents could not be filed in the Court. After completion of the cross-examination, he searched and traced out the same. Thus, prayed to receive the documents.

10. A counter affidavit was filed by the plaintiff. It was contended that the unregistered partition deed, dated 08.10.2002, is a fabricated one and the registered partition deed, dated 31.03.2011, was already marked. Defendant No.1 failed to assign any reasons for not filing the said documents earlier.

11. The trial court, by separate orders, dated 02.09.2025, dismissed the applications.

12. Learned counsel for the petitioner/defendant No.1 would submit that in the written statement, defendant No.1 pleaded about the partition effected in 2002. Learned counsel would further submit that defendant No.1 also pleaded about the registered partition deed executed among defendants 1, 2 and their father on 31.03.2011. Learned counsel would submit that proper reasons were assigned for non-filing of those documents along with the written statement.

13. On the other hand, learned counsel for respondent No.1/plaintiff supported the order passed by the trial court.

14. As noted supra, the plaintiff, sister, filed suit for partition against the defendants 1 and 2, brothers. In the written statement filed by defendant No.1, he pleaded that the partition was effected in the year 2002 and thereafter a

registered partition deed, dated 31.03.2011, was executed between the brothers and father. The aforementioned interlocutory applications were filed contending that during the cross-examination of D.W.1, he was questioned about the unregistered partition deed, dated 08.10.2002 and registered partition deed, dated 31.03.2011.

15. The trial court extracted the evidence of D.W.1, which reads as under:

“His father died in the year 2019. Himself, D2 and plaintiff are the children of Late G. Venkata Swamy and Late Ramulamma. He has filed Partition Deed of the year 2002 in to the Court. He has filed Partition Deed, dt. 31-03-2011 document No.980/2011 before the Court.”

16. Based on the evidence extracted supra, the trial court observed that according to D.W.1, the documents are already filed before the court and hence, receiving documents does not arise. The trial court also observed that the partition deed, dated 08.10.2002, is neither registered nor stamped and in the registered partition deed, dated 31.03.2011, there is no recital about the earlier unregistered partition deed, dated 08.10.2002. The trial court, after considering all these aspects, dismissed the applications.

17. The trial court exercised the jurisdiction vested in it and dismissed the applications by assigning reasons. It is settled law that while exercising supervisory jurisdiction under Article 227 of the Constitution of India, this Court shall not substitute its opinion, by acting as an appellate authority, unless there is any illegality or perversity in the order, brooks interference of this Court.

18. In **Nandi Infrastructure Corridor Enterprises Ltd. and Another Vs. B.Gurappa Naidu and Others**<sup>1</sup>, the Hon'ble Apex Court by referring to the

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<sup>1</sup> 2026 SCC OnLine SC 745

decisions reported in **Shalini Shyam Shetty Vs. Rajendra Shankar Patil**<sup>2</sup>; **Estralla Rubber Vs. Dass Estate (P) Ltd.**<sup>3</sup>, and **Garment Craft Vs. Prakash Chand Goel**<sup>4</sup> and considered the scope of supervisory jurisdiction under Article 227 and summarized the principles as follows:

“35. In short, the principles laid down in the above matters, is as follows:

- a) The power of superintendence under Article 227 is not to be exercised unless there has been an (a) unwarranted assumption of jurisdiction, not vested in Court or tribunal, or (b) gross abuse of jurisdiction or (c) an unjustifiable refusal to exercise jurisdiction vested in Courts or tribunals.
- b) It is also well settled that the High Court while acting under this Article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record.
- c) The High Court exercising supervisory jurisdiction does not act as a court of first appeal to re-appreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported. The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal.”

19. This Court doesn't find any illegality or irregularity in the orders under revision. The trial court considered all the aspects and passed a reasoned order. There are no merits in the revisions; hence, they are liable to be dismissed.

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<sup>2</sup> (2010) 8 SCC 329

<sup>3</sup> (2001) 8 SCC 97

<sup>4</sup> (2022) 4 SCC 181

20. Accordingly, these Civil Revision Petitions are dismissed. No costs.

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

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**JUSTICE SUBBA REDDY SATTI**

Date: 28.07.2026

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