

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
MONDAY, THE SEVENTEENTH DAY OF OCTOBER,  
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA



CIVIL REVISION PETITION NO: 2320 OF 2022

Between:

1. Smt. Soorada Nagamani, W/o Sri Kasi Babu, Hindu, aged 45 years, Staff Nurse, Government HeadQuarter Hospital, Rajahmundry, R/o Dowleswaram.
2. Sri Chintakayala Anand, S/o Late Sri Abbayi, Hindu, aged 68 years, R/o D.No.56-7-10, Nalamativari Street, Jagannaikpur, Kakinada - 2.

Petitioners

AND

1. Smt. Nalamati Raja Rajeswari, W/o 511 Sugramanaya Murthy, Hindu, aged 57 years, House wife, R/o Hyderabad
2. Sri Indana Sriramulu, (died)
3. Smt. Nalamati Ramayamma, (died)
4. Sri Indana Gopala Krishna Sresti, (died).
5. Sri Indana Ramajogi Sresti, S/o Late Sriramulu, Hindu, R/o D.No.672-4, Flat No.S1, Santhoshi Apartments, Shirdi Sai Temple Street, Ashok Nagar, Kakinada.
6. Sri Indana Rama Vivekananda, S/o Late Sri Ramulu (died).
7. Sri Indana Sadasiva Rao, S/o late Sriramulu, Hindu, aged 82 years, R/o Near Bus complex, Gollaprolu Village and Mandal.
8. Smt. Indana Kondamma @ Chittammai, (died).
9. Smt.Koppula Nukamamba, W/o Sri Venkaiah, C/o Sri J.Narasinga Rao, Hindu, aged 72 years, R/o Akshara Building, Ananda Nagar, Khairatabad, Hyderabad.
10. Smt. Kolli Bala Parameswari, W/o Sri Kolli Venkateswra. Rao, Hindu, Sarpach, Aithipudi Village of Kajuluru Mandal, East Godavari District.
11. Smt. Kodari Chinna Nuamamba, D/o Late Sri Ramulu, Aged 72 years, R/o D.No.59-4-3, nalamativari Street. Jagannadhapuram, Kakinada.
12. Smt. Nalamati Sriranga Nayakulu, S/o Sri Suryanarayana, aged 42 years, R/o Flat No.202/203, Lakshmi Vihar Colony, Phase No.1, Nallagonda, Hyderabad.
13. Smt. Nalamati Seshamamba, D/o Sri Surayanarayana, Hindu, aged 32 years, R/o Flat No.202/203, Lakshmi Vihar Colony, Phase No.1, Nallagonda, Hyderabad.
14. Smt. Nalamati Mahalakshmi, W/o Sri Thanduri Chankradhara Rao, Hindu, aged about 67 years, R/o D.No.8-73, Srinivasa Rice Mill, Dharmavaram Village, Prathipadu mandal.
15. Sri Nalamati Surya Prakash Murthy, S/o Sri Suryanarayana, R/o Flat No.202/203, Lakshmi Vihar Colony, Phase No.1, Nallagonda, Hyderabad.
16. Sri Nalamati Durga Devi, D/o Sri Suryanarayana, R/o Flat No.202/203, Lakshmi Vihar Colony, Phase No.1, Nallagonda, Hyderabad.
17. Sri Nalamati Suryanarayana Murthy, S/o Sri Chandrayya, Cultivation, aged 67 years, -R/o D.No.56-7-12, Nalamati vari Street, Jagannadhapuram, Kakinada.
18. Smt. Indana Satyaveni, W/o Late Sri Rama Vivekananda, R/o Venkataratnam Dandha Vydyasala, Upstairs of Chitanya Godavari Grameena Bank, Near

Raja Ramamohanroy Park, D.No.4-2-69, Madhapuram Road, Pithapuram,  
East Godavari District

**Respondents**

Petition under Section 115 of C.P.C, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to SET ASIDE the order dated 13.06.2022 passed in EA No. 218/2012 in ER No. 86/2011 by the Principal Senior Civil Judge, Kakinada and ALLOW the Civil Revision Petition in the interest of justice

**IA NO: 1 OF 2022**

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 DELAY of 28 days in filing the CRP in the interest of justice, Pending disposal of CRP 2320 of 2022, on the file of the High Court.

**IA NO: 2 OF 2022**

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 to grant STAY of all further. proceedings including delivery of EP schedule property in ER No 86/2011 on the file of the Principal Senior Civil Judge, Kakinada pursuant to the impugned order dated 13.06.2022, Pending disposal of CRP 2320 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri P RAJASEKHAR, Advocate for the Petitioners, Sri E V V S RAVI KUMAR, Advocate for the Respondent No.1 and the Court made the following

**ORDER:**

**“The present C.R.P. is assailed against the Order passed in E.A.No.218 of 2012 in E.P.No.86 of 2011 in O.S.No.47 of 1962, dated 13.06.2022, on the file of the Principal Senior Civil Judge, Kakainda.**

**The respondents herein filed E.P.No.48 of 2020 on the file of II Additional Senior Civil Judge’s Court, Kakinada (later on transfer to the Principal Senior Civil Judge’s Court, Kakinada and the same is numbered as E.P.No.86 of 2011) for the delivery of the ‘G.H.I.D.E.F.A.’ portion in ‘B’ schedule property and the Court, upon issuing the delivery warrant on the process, the Court Amin went to the ‘G.H.I.D.E.F.A.’ portion in ‘B’ schedule property to execute the same and said warrant is returned un-served due to the objections raised at the instance of 3<sup>rd</sup> party, i.e. the petitioners herein. Thereafter they filed E.A.No.218 of 2012 by way of claiming the rights over the subject property as absolute owners and requested not to dispossess them. The said application**

was dismissed by the Court below, against which the present civil revision petition is filed.

The Registry took an objection about the maintainability of C.R.P. against the impugned order in E.A.No.218 of 2012 in E.P.No.86 of 2011 in O.S.No.47 of 1962, dated 13.06.2022, for which the petitioner relied upon the judgment in *Gnanadurai Petitioner vs. Suseelammal Respondent<sup>1</sup>*, wherein it is held that when there is an order/judgment which is not appealable, a Revision lies under Section 115 of C.P.C.

The petitioner also relied upon the judgment in *AIR 1972 AP, 223 DB*. In view of the same, the objection raised by the Registry is overruled. The Registry is directed to number the C.R.P., if it is otherwise in order.

List the matter after four (04) weeks.

There shall be an interim stay of all further proceedings, till then."

//TRUE COPY//

SD/- A.VIJAYA BABU  
ASSISTANT REGISTRAR

For / SECTION OFFICER

To,

1. The Principal Senior Civil Judge's Court, Kakinada, East Godavari District.
2. Smt. Nalamati Raja Rajeswari, W/o 511 Sugramanaya Murthy, Hindu, aged 57 years, House wife, R/o Hyderabad
3. Sri Indana Ramajogi Sresti, S/o Late Sriramulu, Hindu, R/o D.No.672-4, Flat No.S1, Santhoshi Apartments, Shirdi Sai Temple Street, Ashok Nagar, Kakinada.
4. Sri Indana Sadasiva Rao, S/o late Sriramulu, Hindu, aged 82 years, R/o Near Bus complex, Gollaprolu Village and Mandal.
5. Smt.Koppula Nukamamba, W/o Sri Venkaiah, C/o Sri J.Narasinga Rao, Hindu, aged 72 years, R/o Akshara Building, Ananda Nagar, Khairatabad, Hyderabad.
6. Smt. Kolli Bala Parameswari, W/o Sri Kolli Venkateswra. Rao, Hindu, Sarpach, Aithipudi Village of Kajuluru Mandal, East Godavari District.
7. Smt. Kodari Chinna Nuamamba, D/o Late Sri Ramulu, Aged 72 years, R/o D.No.59-4-3, nalamativari Street. Jagannadhapuram, Kakinada.
8. Smt. Nalamati Sriranga Nayakulu, S/o Sri Suryanarayana, aged 42 years, R/o Flat No.202/203, Lakshmi Vihar Colony, Phase No.1, Nallagonda, Hyderabad.
9. Smt. Nalamati Seshamamba, D/o Sri Surayanarayana, Hindu, aged 32 years, R/o Flat No.202/203, Lakshmi Vihar Colony, Phase No.1, Nallagonda, Hyderabad.

10. Smt. Nalamati Mahalakshmi, W/o Sri Thanduri Chankradhara Rao, Hindu, aged about 67 years, R/o D.No.8-73, Srinivasa Rice Mill, Dharmavaram Village, Prathipadu mandal.
11. Sri Nalamati Surya Prakash Murthy, S/o Sri Suryanarayana, R/o Flat No.202/203, Lakshmi Vihar Colony, Phase No.1, Nallagonda, Hyderabad.
12. Sri Nalamati Durga Devi, D/o Sri Suryanarayana, R/o Flat No.202/203, Lakshmi Vihar Colony, Phase No.1, Nallagonda, Hyderabad.
13. Sri Nalamati Suryanarayana Murthy, S/o Sri Chandrayya, Cultivation, aged 67 years, -R/o D.No.56-7-12, Nalamati vari Street, Jagannadhapuram, Kakinada.
14. Smt. Indana Satyaveni, W/o Late Sri Rama Vivekananda, R/o Venkataratnam Dandha Vydyasala, Upstairs of Chitanya Godavari Grameena Bank, Near Raja Ramamohanroy Park, D.No.4-2-69, Madhapuram Road, Pithapuram, East Godavari District (Addressee nos.2 to 14 by RPAD)
15. One CC to SRI. P RAJASEKHAR Advocate [OPUC]
16. One CC to SRI. E V V S RAVI KUMAR Advocate [OPUC]
17. One spare copy

CV88

HIGH COURT

NVJ

DATED:17/10/2022

LIST THE MATTER AFTER FOUR (04) WEEKS.

ORDER

CRP.No.2320 of 2022

DIRECTION

