



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

[3331]

MONDAY, THE 3rd DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 3117/2024

Between:

1. PALEPU BALA SURYA MOHINI, D/O P. RAMARAO HINDU AGED 30 YEARS, BANK EMPLOYEE, PRESENTLY RESIDING AT MOHINI KRISHNA NEST, FLAT NO.E-12, FLOOR NO.L-2, TOWER-1, MARINA SKIES, GREEN HILLS ROAD, NEAR MOOSAPET, HYDERABAD, REPRESENTED BY HER SPECIAL POWER OF ATTORNEY HOLDER SRI. PALEPU RAMA RAO, S/O LATE DR. P.V.SUBBA RAO, HINDU, AGED 64 YEARS, RESIDING AT D.NO.22-15-13, CHENGALRAOPETA, VISAKHAPATNAM- 530001.

...PETITIONER

AND

1. PALEPU BHASKAR RAODIED, DIED
2. YALASA APPALA SRINIVAS RAO, S/O Y.PENTA RAO, HINDU AGED ABOUT 41 YEARS, RESIDING AT D.NO. 1-33-16 FLAT NO K-12 ADARSHA NAGAR SECTOR -8 MVP COLONY PEDA WALTAIR VISAKHAPATNAM.
3. SMT AJJARAPU MANGAMMA, (DIED)
4. PALEPU SRINIVAS RAO, S/O P.RAMARAO HINDU AGED 81YRS A-204, TARIKA APPARTMENTS, SECTOR43, GURGOAN U.P. PIN CODE 122002. (RESPONDENTS/DEFENDANTS 3 AND 4 ARE ADDED AS PER ORDERS DATED 19/4/2022 IN LA. 5/ 2022)
5. AJJARAPU RAVI RAM, , S/O. LATE A.V.APPA RAO, HINDU, AGED 67 YEARS, RESIDING AT D.NO.6-15-46, FLAT NO.A-1, SEA WIND APARTMENTS, EAST POINT COLONY, CHINA WALTAIR,

VISAKHAPATNAM.

6.AJJARAPU JAGADAMBA, , D/O. LATE A.V.APPA RAO, HINDU, AGED 66 YEARS, RESIDING AT D.NO.6-15-46, FLAT NO.A-1, SEA WIND APARTMENTS, EAST POINT COLONY, CHINA WALTAIR, VISAKHAPATNAM. (DEFENDANTS 5 AND 6 ARE ADDED AS PER ORDERS DATED 13/07/2023 IN IA. 93/2023)

...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 call for the records and allow this Civil Revision Petition and also set aside the decreetal order and order dated 01-08-2024 in I.A. No. 208 of 2021 in O.S. No. 614 of 2016 passed by the VII Additional District Judge and pass

IA NO: 1 OF 2024

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 of all further proceedings in O.S. No. 614 of 2016 on the file of the VII Additional District Judge, till the disposal of the main case and pass

Counsel for the Petitioner:

1.SIMHACHALAM KARUKOLA

Counsel for the Respondent(S):

1.

The Court made the following:

ORDER

Heard Sri Karukola Simhachalam, learned counsel for the petitioner.

2. The plaintiff in the suit filed the above revision against the order dated 01.08.2024 in I.A.No.208 of 2021 in O.S.No.614 of 2016 on the file of VII Additional District Judge, Visakhapatnam.

3. The plaintiff filed the suit O.S.No.614 of 2016 to declare that the plaintiff is the absolute owner of the suit schedule property by virtue of Will dated

24.05.2012 executed by late P. Jagan Mohini and consequently to declare the gift deed dated 16.12.2015 executed by the 1st defendant in favour of 2nd defendant, as null and void.

4. In the written statement filed by the 1st defendant, it was specifically contended that by playing fraud on the 1st defendant, the father of plaintiff by name Palepu Ramarao, S/o Venkata Subbarao got executed a registered gift deed dated 06.01.2016 bearing document No.147 of 2016 with Sub Registrar, Visakhapatnam, in respect of property bearing Door No.22-15-13 admeasuring 253.47 square yards in Changalrapeta, Visakhapatnam. The said Palepu Ramarao promised to look after the 1st defendant by providing necessary aid for medicines. However, the father of the plaintiff failed to keep up the promise and filed the suit with false averments.

5. The trial Court, basing on the pleadings, framed six issues; one of the issues is **“Whether the registered document No.147 of 2016 dated 06.01.2016 is valid and binding on the defendants?”**

6. The trial in the suit was commenced. P.W.1 was examined in chief and the suit was coming up for cross examination of P.W.1. At that stage, the plaintiff filed I.A.No.208 of 2024 under XIV Rule 5 r/w Section 151 CPC, to strike out the issue No.4. In the affidavit filed in support of the petition, it was pleaded that the suit schedule property is different from the document mentioned in issue No.4 and requested the Court to strike out the issue No.4.

7. The 2nd defendant filed a counter and opposed the application.

8. The trial Court by order dated 01.08.2024 dismissed the application. Aggrieved by the same, the above revision is filed.

9. As seen from the order impugned, the trial Court observed that the issues were settled long back, the trial was commenced, and the suit is coming up for cross-examination of P.W.1. Issue No.4 was framed basing on

the averments in the written statement. The trial Court passed a reasoned order.

10. In **Nandi Infrastructure Corridor Enterprises Ltd. and Another Vs. B.Gurappa Naidu and Others**¹, the Hon'ble Apex Court considered the scope of supervisory jurisdiction under Article 227 and summarised 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 reappreciate, 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.”

The Hon'ble Apex Court considered the judgments in **Shalini Shyam Shetty Vs. Rajendra Shankar Patil**²; **Estralla Rubber Vs. Dass Estate (P) Ltd.**³, and **Garment Craft Vs. Prakash Chand Goel**⁴.

¹ 2026 SCC OnLine SC 745

² (2010) 8 SCC 329

³ (2001) 8 SCC 97

⁴ (2022) 4 SCC 181

11. Given the discussion *supra*, the order under revision brooks no interference while exercising the jurisdiction under Article 227 of the Constitution of India. The trial court appreciated all the contentions and passed a reasoned order. There are no merits in the revision. The revision is liable to be dismissed.

12. Accordingly, this Civil Revision Petition is Dismissed. Since the suit is of the year 2016, the learned trial Court shall dispose of the suit as expeditiously as possible, keeping in view the circular issued by this Court *vide* R.O.C.No.560/OP/CELL/2022, dated 23.11.2022. No costs.

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

JUSTICE SUBBA REDDY SATTI

PVD

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No