



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

[3328]

WEDNESDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

CIVIL REVISION PETITION NOs.3133 & 3134 of 2025

C.R.P.No.3133 of 2025

Between:

- 1.CHELLAPILLA MURALI, S/O SANYASI RAO, AGED 53 YEARS, OCC BUSINESS, R/O DOOR.NO. 4-7-89, 3RD LANE, MARUTI NAGAR, RAJAM,VIZIANAGARAM DISTRICT.
- 2.NANDAPURAPU LAKSHMI SESHUPRASANNA,, W/O CHELLAPILLA MURALI, AGED 49 YEARS, OCC BUSINESS, R/O DOOR.NO. 4-7-89, 3RD LANE MARUTI NAGAR, RAJAM,VIZIANAGARAM DISTRICT.

...PETITIONER(S)

AND

- 1.POTNURU MURALI DIED, A
- 2.POTNURU ARUNA, W/O LATE MURALI, AGED 42 YEARS, OCC HOUSEHOLD DUTIES, R/O DOOR.NO. 2-48, SANTAKAVITI VILLAGE AND MANDAL, VIZIANAGARAM DISTRICT.
- 3.POTNURU SIVANI, D/O LATE MURALI, AGED 14 YEARS, OCC STUDENT, R/O DOOR.NO. 2-48 SANTAKAVITI VILLAGE, MANDAL, VIZIANAGARAM DISTRICT.
- 4.POTNURU HIMASRI, D/O LATE MURALI, AGED 14 YEARS, OCC STUDENT, R/O DOOR.NO. 2-48, SANTAKAVITI VILLAGE, MANDAL, VIZIANAGARAM DISTRICT. (RESPONDENTS 3 AND 4 BEING MINORS ARE REP BY THEIR MOTHER AND NATURAL GUARDIAN

THE RESPONDENT NO.2

...RESPONDENT(S):

COUNSEL FOR THE PETITIONER(S):

1.G SAI NARAYANA RAO

Counsel for the Respondent(S):

1. Nil

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...RESPONDENT(S):

Counsel for the Petitioner(S):

1.G SAI NARAYANA RAO

Counsel for the Respondent(S):

1. Nil

The Court made the following Oral Common Order:

Heard Sri U. Nagendra Babu, learned Counsel representing Sri G. Sai Narayana Rao, learned Counsel for the Civil Revision Petitioners.

2. Learned Counsel appearing for the Petitioners submits that the Revision Petitioners are the Defendants in the Suit bearing O.S.No.12 of 2019 filed by the Plaintiff for recovery of money. The Suit had been decreed *ex parte* on 25.10.2019. Thereafter, the Defendants filed an Application for setting aside the *ex parte* Decree along with an Application for Condonation of Delay. The Trial Court dismissed the Application for Condonation of Delay.

3. In the meantime, the Plaintiff/Decree Holders filed Execution Petition No.12 of 2020. The Plaintiff/Decree Holders has also secured an Order of Attachment of the immovable property in Sy.No.13-3, Ponugutivalasa Village, Santhakaviti Mandal, Srikakulam District. Subsequently, the said property was brought for sale by way of auction and confirmation of sale was done on 14.10.2024.

4. It is the submission of the learned Counsel for the Petitioners that the immovable property, which is the subject matter of sale, was in fact mortgaged by the Defendants/Petitioners herein with the State Bank of India (SBI), Rajam, on 21.07.2018 (much before the filing of O.S.No.12 of 2019). He would submit that the mortgage in favour of SBI has been registered before the Sub-Registrar, Rajam, bearing Document No.2975 of 2018 of S.R.O Rajam.

5. It is further submitted by the learned Counsel appearing for the Petitioners that, in the Execution Proceedings, the Decree Holders had filed

an Encumbrance Certificate relating to the same property. The document filed by the Plaintiff/Decree Holders, does not reflect the mortgage/encumbrance held by the State Bank of India (at Page 61 in C.R.P.No.3133 of 2025).

6. In order to show that the Plaintiff/Decree Holders have committed fraud on the Executing Court, the learned Counsel appearing for the Petitioners has drawn the attention of this Court to the Statement of Encumbrance on Property downloaded from the website. This document clearly reflects that the subject property is mortgaged to SBI and the Mortgage Deed is duly registered as Document No.2975 of 2018.

7. In the above premise, *prima facie*, this Court notices the following facts:

- i. The Statement of Encumbrance on Property furnished by the Plaintiff/Decree Holders dated 16.02.2024 does not reflect any encumbrance on the said property;
- ii. The Statement of Encumbrance on Property filed by the Petitioners herein dated 19.10.2024 would clearly indicate that the same property is under registered mortgage with the State Bank of India, Rajam Branch, bearing Document No.2975 of 2018; and,
- iii. When the Petitioners sought to place these documents on record by filing an Interlocutory Application (unnumbered) under Order 47 & Rule 21, the same came to be rejected by the Civil Judge (Senior Division), Rajam, on 25.10.2025.

8. Learned Counsel appearing for the Petitioners submits that the property is now under the threat of dispossession and that the Decree Holders, by placing a wrong Encumbrance Certificate, had shown that the property is unencumbered and compelled the Executing Court to auction the same.

9. In this view of the matter, there shall be a direction to all the parties to maintain *Status-quo* obtaining as on today till the next listing.

10. Having regard to these facts, this Court deems it appropriate to *Suo motu* implead the Joint Sub-Registrar, Rajam, as Respondent No.5 (in both the Civil Revision Petitions) only for the purpose of ascertaining the veracity and the genuineness of the two Encumbrance Certificates dated 16.02.2024 and 19.10.2024, which are produced by the Decree Holders and the Judgment Debtors respectively. Registry is directed to make necessary changes in the Cause title of both the Civil Revision Petitions.

11. Sri T. Sanjeeva Rao, learned Assistant Government Pleader for Revenue, who is present in the Court Hall, is informed about the impleadment of the Joint Sub-Registrar, Rajam.

12. The Petitioners herein shall approach the Joint Sub-Registrar, Rajam, within one week from today and produce both the Encumbrance Certificates as described hereinabove, which are filed at pages 61 and 63 in C.R.P.No.3133 of 2025, before the Joint Sub-Registrar, Rajam. The Joint Sub-Registrar, Rajam shall verify the genuineness of both the Certificates and submit a report to the learned Government Pleader for Revenue in a sealed cover within a week thereafter.

13. Till such time, the Execution Proceedings shall remain stayed till the next listing.

14. Sri T. Sanjeeva Rao, learned Government Pleader for Revenue, is directed to convey the gist of this Order to the Joint Sub-Registrar, Rajam, forthwith for effective compliance.

15. Notice before admission.

16. Learned Counsel for the Civil Revision Petitioners is directed to take out urgent Personal Notice in respect of the Respondent Nos.2 to 4 within three days from today and file proof of receipt of Notice within three days thereafter. He is also directed to supply two copies of these Civil Revision Petitions to

Sri T. Sanjeeva Rao, learned Assistant Government Pleader, during the course of the day today.

17. List on 05.12.2025.

GANNAMANENIRAMAKRISHNA PRASAD, J

Dt: 19.11.2025

Note: Issue C.C.by 21.11.2025

B/o

DSV



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