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APHC010636362025



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

[3331]

MONDAY, THE 20th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 3454/2025

Between:

1. BADI RAMAKRISHNAIAH,, S/O. BADI NARAIHA, AGED ABOUT 52 YEARS, R/O. PUDIPATIA VILLAGE AND POST, TIRUPATI (RURAL) MANDAL, CHITTOOR DISTRICT

...PETITIONER

AND

1. POOJARI VENKATAMUNI, S/o. Poojari Nagaiah, aged about 50 years, R/o. Cherlopalli village, Kammappalli Post, Ramachandra Puram Mandal, Chittoor District

...RESPONDENT

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 Civil Revision Petition by setting aside the Order dated 22.08.2025 passed in I.A. No.821 of 2016 in I.A. No.922 of 2011 in O.S No. 454 of 2008 on the file of the Hon'ble Additional Civil Judge (Senior Division) Tirupati

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 the further proceedings pertaining to O.S No. 454 of 2008 on the file of the Hon'ble Additional Civil Judge [Senior Division] Tirupati pending disposal of the above CRP

Counsel for the Petitioner:

1.KANDERI CHETHAN

Counsel for the Respondent:

1.

The Court made the following:

ORDER

Heard Sri K.Chetan, learned counsel for the petitioner.

2. The plaintiff in the suit filed the above revision against the order dated 22.08.2025 in I.A.No.821 of 2016 in I.A.No.922 of 2011 in O.S.No.454 of 2008 on the file of the Additional Civil Judge (Senior Division), Tirupati.

3. The plaintiff filed the suit against the defendant seeking specific performance of the agreement of sale dated 11.02.2008.

4. a) The defendant, having entered an appearance, failed to file a written statement and hence, the suit was decreed ex parte on 27.02.2009. The defendant filed I.A.No.922 of 2011 under Order XI Rule 13 of CPC and I.A.No.730 of 2009 under Section 5 of the Limitation Act, to condone the delay of 145 days in filing a petition to set aside the ex parte decree. The appellate

Court allowed I.A.No.730 of 2009 on 19.08.2011 on the condition that the defendant shall pay Rs.150/- to the plaintiff on or before 06.09.2011. The defendant paid the costs. Thereafter, I.A.No.922 of 2011 filed under Order IX Rule 13 CPC, was allowed on 11.12.2011, conditionally, to deposit the suit costs within 15 days, failing which the petition stands dismissed, and the suit was posted to 03.01.2012. The defendant was bedridden due to neurology problem and could not meet his advocate to deposit the suit costs within the time. Consequently, I.A.No.922 of 2011 was dismissed.

b) Thereafter, the plaintiff filed E.P.No.34 of 2013, and the defendant received notice of it and filed vakalat. Later, the defendant filed I.A.No.161 of 2015 under Section 5 of the Limitation Act to condone the delay of 1122 days in filing the petition to set aside the order in I.A.No.922 of 2009. The I.A.No.161 of 2015 was allowed by the trial Court. Aggrieved by the same, the plaintiff filed C.R.P.No.4842 of 2016 and the same was dismissed by the High Court, confirming the order in I.A.No.161 of 2015. Subsequently, I.A.No.821 of 2016 was numbered, filed by the petitioner under Order IX Rule 9 of CPC to set aside the dismissal order dated 03.01.2022 in I.A.No.922 of 2011.

5. The trial Court, by order dated 22.08.2025, allowed I.A.No.821 of 2016. Aggrieved by the same, the above revision is filed.

6. Learned counsel for the petitioner would submit that in the interregnum, the plaintiff filed I.A.No.39 of 2022 under Section 151 of CPC to reopen I.A.No.821 of 2016 for further hearing, contending that the medical certificate produced by the defendant is fake. The said I.A. was ordered on 18.09.2024, and thereafter the trial Court allowed the I.A.No.821 of 2016 on 22.08.2025. The trial Court did not consider the medical certificate produced by the defendant.

7. As seen from the sequence of events narrated supra, I.A.No.922 of 2011, filed under Order IX Rule 13 of CPC, was allowed conditionally on payment of suit costs. Since the costs were not deposited, the conditions came into force; as a result, I.A. was dismissed on 03.01.2022. I.A.No.161 of 2015 filed by the petitioner under Section 5 of the Limitation Act to condone the delay of 1122 days in filing the petition, to set aside the default order dated 03.01.2022, was allowed, and eventually the same was confirmed in C.R.P.No.4842 of 2016. The reasons assigned in the petition filed under Section 5 of the Limitation Act and the petition filed under Order IX Rule 9 of CPC are the same.

8. No doubt, the plaintiff filed I.A.No.39 of 2022 to reopen I.A.No.861 of 2016. However, since the reasons assigned in I.A.No.161 of 2015 and I.A.No.821 of 2016 are the same and further, the order in I.A.No.161 of 2015 was confirmed in C.R.P.No.4842 of 2016, no separate enquiry in I.A.No.821 of 2016 is needed. Indeed, I.A.No.821 of 2016 was allowed in payment of costs of Rs.5,000/- to the plaintiff.

9. As noted supra, the reasons assigned to condone the delay and the application to set aside the order are the same. Once the reasons in the petition to condone the delay are accepted, the other application is consequential. No separate enquiry is required. However, if the reasons in the two I.A.s are different, an independent enquiry in both I.A.s is necessary. Once the trial court exercised its jurisdiction judiciously, and such exercise smacks of no illegality, while exercising the jurisdiction under Art 227, this Court normally loathe to interfere. The jurisdiction of this Court under Article 227 of the Constitution of India is no longer res integra.

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.”

11. In fact, 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 in the recent judgment.

¹ 2026 SCC OnLine SC 745

² (2010) 8 SCC 329

³ (2001) 8 SCC 97

⁴ (2022) 4 SCC 181

12. Keeping in view the expressions of the Hon'ble Apex Court and given the discussion supra, this Court does not find any perversity or illegality in the orders passed by the trial Court warranting interference of this Court, while exercising the jurisdiction under Article 227 of the Constitution of India. There are no merits in the revision, and hence, it is liable to be dismissed. Since the suit is of the year 2008, the learned trial court shall endeavour to expedite the disposal of the suit by adhering to the procedure and the law.

13. Accordingly, the Civil Revision Petition is Dismissed. 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