



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

[3239]

FRIDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K SURESH REDDY

CIVIL REVISION PETITION NO: 34/2026

Between:

1. ANUMALASETTY ANAND, S/O LATE DHARMAIAH, HINDU, AGED ABOUT 60 YEARS, BUSINESS, R/O D.NO.3-12-45A, KOTHABAZAR, TRUNK ROAD, KAVALI, SPSR NELLORE DISTRICT

...PETITIONER

AND

1. CHINNI LAKSHMI RAJYAM, W/o Ramanaiah, aged about 68 years, R/o D.No.30-4-14, Lakshmipuram, Nellore, 524002.

...RESPONDENT

Counsel for the Petitioner:

1. KAUSHIK KUMBHAJADALA

Counsel for the Respondent:

1. K NARSI REDDY

CIVIL REVISION PETITION NO: 35/2026

Between:

1. ANUMALASETTY ANAND, S/O LATE DHARMAIAH, HINDU, AGED ABOUT 60 YEARS BUSINESS, R/O D.NO.3-12-45A, KOTHABAZAR, TRUNK ROAD, KAVALI, SPSR NELLORE DISTRICT.

...PETITIONER

AND

1. CHINNI LAKSHMI RAJYAM, aW/o Ramanaiah, aged about 68 years, R/o D.No.30-4-14, Lakshmipuram, Nellore, 524002.

...RESPONDENT

Counsel for the Petitioner:

1. KAUSHIK KUMBHAJADALA

Counsel for the Respondent:

1. K NARSI REDDY

CIVIL REVISION PETITION NO: 36/2026

Between:

1. ANUMALASETTY ANAND, S/O LATE DHARMAIAH, HINDU, AGED ABOUT 60 YEARS, BUSINESS, R/O D.NO3-12-45A, KOTHABAZAR, TRUNK ROAD, KAVALI, SPSR NELLORE DISTRICT.

...PETITIONER

AND

1. CHINNI LAKSHMI RAJYAM, W/o Ramanaiah, aged about 68 years, R/o D.No.30-444, Lakshmipuram, Nellore, 524002.

...RESPONDENT

Counsel for the Petitioner:

1. KAUSHIK KUMBHAJADALA

Counsel for the Respondent:

1. K NARSI REDDY

CIVIL REVISION PETITION NO: 37/2026

Between:

1. ANUMALASETTY ANAND, S/O LATE DHARMAIAH, HINDU, AGED ABOUT 60 YEARS, BUSINESS, R/O D.NO.3-12-45A, KOTHABAZAR, TRUNK ROAD, KAVALI, SPSR NELLORE DISTRICT.

...PETITIONER

AND

1. CHINNI LAKSHMI RAJYAM, W/o Ramanaiah, aged about 68 years,

R/o D.No.30-4-14, Lakshmipuram, Nellore, 524002.

...RESPONDENT

Counsel for the Petitioner:

1.KAUSHIK KUMBHAJADALA

Counsel for the Respondent:

1.K NARSI REDDY

THE HONOURABLE SRI JUSTICE K.SURESH REDDY

CIVIL REVISION PETITION NOS: 34, 35, 36 and 37 of 2026

COMMON ORDER :

As the issue involved in all these Civil Revision Petitions is identical, they are heard together and are being disposed of by this common order.

2. Defendant No.2 in O.S. No.124 of 2018 on the file of the learned Principal District Judge, Nellore, is the petitioner in all these revisions. The respondent filed the said suit seeking partition of the suit schedule property. Despite due service of summons, the petitioner failed to enter appearance and contest the suit, and was accordingly set ex parte. An ex parte preliminary decree came to be passed on 17.03.2020. Thereafter, the petitioner filed I.A. No.595 of 2024 seeking condonation of delay of 596 days in filing a petition under Order IX Rule 9 CPC, and I.A. No.596 of 2024 under Order IX Rule 13 CPC for setting aside the ex parte preliminary decree. Both the applications were allowed on 28.04.2025, subject to payment of costs of Rs.5,000/- on or before 02.05.2025. Admittedly, the petitioner failed to comply with the said condition, resulting in dismissal of both applications on 02.05.2025. Subsequently, the petitioner filed I.A. Nos.821 and 822 of 2025 for condonation of delay of 106 days and for restoration of I.A. No.595 of 2024, and I.A. Nos.823 and 824 of 2025 for condonation of delay of 112 days and for restoration of I.A. No.596 of 2024. All these applications were dismissed by a common order dated 26.11.2025, which is assailed in the present revisions.

3. Heard Smt.Chunduri Udaya, learned counsel for the petitioner and Sri Divakara Reddy, learned counsel representing Sri K. Narsi Reddy, learned counsel for the respondent. Perused the entire material on record.

4. Learned counsel for the petitioner contends that the suit being one for partition between a brother and sister, an opportunity ought to have been afforded to the petitioner to contest the suit on merits. It is further contended that the petitioner was unaware of the condition imposed by order dated 28.04.2025 directing payment of costs of Rs.5,000/-, and that the petitioner came to know of the same only when the Advocate Commissioner visited on 12.09.2025.

5. On the other hand, the learned counsel for the respondent vehemently opposed the present Revisions, contending that despite conditional orders dated 28.04.2025 allowing I.A. Nos.595 and 596 of 2024, the petitioner failed to comply with the condition of payment of costs, and therefore, no indulgence is warranted.

6. The point that arises for consideration is whether the petitioner has shown sufficient cause so as to warrant interference with the impugned orders.

7. It is a settled principle of law that the rules of procedure are intended to advance the cause of justice and not to thwart it. ***In Sangram Singh vs. Election Tribunal, Kotah (AIR 1955 SC 425)***, the Hon'ble Supreme Court held that procedural laws are handmaids of justice and should not be construed in a manner that would result in injustice.

Similarly, in *N. Balakrishnan v. M. Krishnamurthy* ((1998) 7 SCC 123), it was held that length of delay is not decisive, but the acceptability of the explanation is the only criterion, and that a liberal approach is warranted where refusal to condone delay would result in meritorious matters being thrown out at the threshold.

8. At the same time, it is equally well settled that a litigant cannot claim condonation of delay or restoration as a matter of right, and that lack of bona fides or gross negligence cannot be lightly brushed aside. In *Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy* ((2013) 12 SCC 649), the Hon'ble Supreme Court emphasized the need to balance liberal approach with judicial discipline to prevent abuse of process.

9. In the present case, the conduct of the petitioner in not complying with the conditional order dated 28.04.2025 cannot be appreciated and reflects a degree of negligence. However, this Court cannot ignore the fact that the lis pertains to a partition suit between family members, involving valuable immovable property rights. The effect of non-interference would be to sustain an ex parte preliminary decree without affording an opportunity to the petitioner to contest the suit on merits.

10. Having regard to the nature of the dispute, the relationship between the parties, and the settled legal principles, this Court is of the considered view that ends of justice would be better served by affording one final opportunity to the petitioner, subject to imposition of enhanced

costs so as to compensate the respondent and to ensure procedural discipline.

11. Accordingly, Civil Revision Petition Nos.34, 35, 36 and 37 of 2026 are allowed at the stage of admission, setting aside the common order dated 26.11.2025 passed in I.A. Nos.821 and 822 of 2025 in I.A. No.595 of 2024 and I.A. Nos.823 and 824 of 2025 in I.A. No.596 of 2024 in O.S. No.124 of 2018 on the file of the learned Principal District Judge, Nellore. Consequently, the order dated 28.04.2025 in I.A. Nos.595 and 596 of 2024 is restored, subject to the condition that the petitioner shall pay a sum of Rs.10,000/- towards costs to the plaintiff on or before 08.05.2026. In default of such payment, these Civil Revision Petitions shall stand dismissed without further reference to this Court.

12. Since both the plaintiff and the defendants are senior citizens, the trial Court is directed to expedite the trial and dispose of the suit as expeditiously as possible. Further, the petitioner is directed to cooperate for the early disposal of the suit.

As a sequel, interlocutory applications pending, if any, shall also stand closed.

K SURESH REDDY, J

Date: 01.05.2026

Note: Issue CC by 04.05.2026

B/o

Asr

THE HON'BLE SRI JUSTICE K.SURESH REDDY

CIVIL REVISION PETITION Nos: 34, 35, 36 and 37 of 2026

Date: 01.05.2026
Asr