

APHC010251812024



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

[3332]

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 2555/2024

Between:

1. PRATHIPATI RAJESWARI,, W/O. VENKATESWARLU, AGED ABOUT 75 YEARS R/O. MUKTHI NUTHALAPADU VILLAGE, ONGOLE MANDAL, PRAKASAM DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. BODDAPATI VENKATA RAO, S/O. NARAYANA, AGED ABOUT 55 YEARS, R/O. BEHIND SRI HARSHINI DEGREE COLLEGE, MANGAMURU DONKA, ONOGLE TOWN, PRAKASAM DISTRICT, ANDHRA PRADESH.

2. BODAPATI SUBBARAO, S/O. NARAYANA, AGED ABOUT 57 YEARS, R/O. PAMIDIPADU PANCHAYAT, KORISAPADU MANDAL, PRAKASAM DISTRICT, ANDHRA PRADESH.

3. VALLEPU VENKAIAH, S/O. VENAKTA SUBBAIAH, AGED ABOUT 66 YEARS, R/O. D.NO. 7/133(2), SUJATHA NAGAR, ONGOLE TOWN, PRAKASAM DISTRICT, ANDHRA PRADESH.

...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 allow the C.R.P. and set aside the Order dated 15.03.2024 in E.P.

No. 46 of 2022 in OS. No. 363 of 2011 on the file of the Hon'ble Principal Senior Civil Judge Court, Ongole in the interests of justice.

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 condone the delay of 116 days in representing the CRP. No. 2555 of 2024 before this Hon'ble Court, and pass

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 permit the Petitioner to effectuate service of notice on the Respondents in above Civil Revision Petition in CRP No. 2555 of 2024 by way of paper publication in any daily newspaper having circulation in Prakasam & Bapatla Districts of Andhra Pradesh and pass

Counsel for the Petitioner:

1.DODDALA PRUDHVI TEJA

Reserved on 01.04.2026

Pronounced on 30.04.2026

Uploaded on 30.04.2026

ORDER

This Civil Revision Petition is filed questioning the legality and correctness of the orders dated 15.03.2024 passed in E.P.No.46 of 2022 in O.S.No.363 of 2011 by the learned Principal Senior Civil Judge, Ongole.

2. The petitioner is the decree holder and the respondents are the Judgment Debtors. The Execution was filed against 3rd Judgment Debtor alone.

3. The facts led to filing of the Civil Revision Petition, in brief, are that the petitioner filed suit O.S.No.363 of 2011 for declaration that the registered sale deed dated 07.09.2009 bearing document No.6300/2009 of SRO, Ongole as null and void, for permanent injunction restraining the defendants and their men from in any way interfering with the plaintiff's peaceful possession and enjoyment of the plaint schedule property and not to alienate, transfer, mortgage the schedule property in any way by the defendants. The said suit was decreed ex parte granting the relief as prayed for. Thereafter, the petitioner being the decree holder filed Execution Petition vide E.P.No. 46 of 2022 praying the court to issue Order XXI, Rule-22 notice to J.Dr. No.3 and thereafter to discredit the documents dated 14.12.2015 with Document No.10141/2015 and dated 20.02.2021 with Document No.2006/2021 from the office file of Sub Registrar, Ongole and also send the J.D.R. No.3 to civil

prison for violating the decree of the Court under Order XX1, Rule 32(2) and (5). The J.D.R. No.3 in response to the notice under Rule-22 made appearance and filed counter, however he did not choose to file counter to Rule-32 notice and hence he was set ex parte. The Executing Court upon considering the evidence of P.W.1, and upon perusal of the documents Exs.P1 to P5, dismissed the execution petition being hit by Rule-55 of the Civil Rules of Practice, since it contained two reliefs and the petitioner has to file a separate application for each relief.

4. The above dismissal order has been assailed in this Civil Revision Petition.

5. Heard Sri D.Prudhvi Teja, learned counsel for the petitioner. None represented respondent no.3 against whom the Execution Petition was filed, despite issuance of notice by way of substituted service.

6. Sri D.Prudhvi Teja, learned counsel for the petitioner, while reiterating the grounds of revision, would contend that it is permissible to include multiple reliefs, such as discrediting a document (nullifying an act) and the arrest of a Judgment Debtor (JDr) for violating an injunction order, in a single execution petition under Order XXI Rule 11 of the Code of Civil Procedure. He would further contend that Code of Civil Procedure is the parent legislation and the Civil Rules of Practice cannot over rule the provisions of Code of Civil

Procedure. He would further contend that the learned trial Judge erred in applying Rule-55 of Civil Rules of Practice meant for interlocutory applications to the Execution Proceedings. He would further contend that even if it is assumed that Rule-55 of the Civil Rules of Practice can be made applicable to Execution Petitions, the executing Court at best may direct the petitioner to confine the application to one of the reliefs, instead, dismissed the petition, therefore, the impugned order has to be set aside. Accordingly, prayed to allow the Civil Revision Petition.

7. Perused the material available on record and considered the submissions made by learned counsel for the petitioner.

8. Distinct and different reliefs can be sought in one execution petition, allowing multiple modes of execution (e.g., attachment of property and arrest of the judgment-debtor) to be combined to accelerate the process. While separate applications are sometimes required for distinct prayers, multiple reliefs can be combined if they are consequential or properly framed within a comprehensive petition under Order 21 Rule 11 of the CPC. While multiple reliefs are allowed, some jurisdictions or court rules prefer separate applications for distinct prayers if they are not interconnected, and the court may ask the decree-holder to limit the petition to one relief.

9. The instant Execution petition has been filed to discredit the documents as well as to send J.D.R.No.3 to civil prison for violating the decree of the Court by invoking Order XXI, Rule-32(2) and (5) CPC. The prime question to be resolved in the execution petition is whether the J.D.R.No.3 had executed the documents sought to be discredited in violation of the orders of injunction granted by the Court and if so he can be committed to civil prison. Therefore, in the considered opinion of this Court that the relief sought by the decree holder in the execution petition can be dealt with at once without the need of filing separate execution petition.

10. Even otherwise, whenever any court finds that any interlocutory application contained more than one relief, it has to direct the petitioner to confine the application with one of the reliefs and file another petition for other relief. The executing Court did not even choose such a course and straight away dismissed the execution petition.

11. For the reasons stated above, the impugned order is unsustainable and the same deserves dismissal.

12. Accordingly, the Civil Revision Petition is allowed setting aside the order dated 15.03.2024 passed in E.P.No.46 of 2022 in O.S.No.363 of 2011 by the learned Principal Senior Civil Judge, Ongole. The E.P.No.46 of 2022 shall

stand restored to file and the Executing Court shall dispose of it in accordance with law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

RR

30th April, 2026

Note: LR copy be marked
B/o.
RR