Date of reserved for orders : 19.06.2026
Date of pronouncement : 29.06.2026
Date of uploading :

APHC010030972024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3331]**
(Special Original Jurisdiction)

MONDAY, THE 29th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NOs: 150, 141 and 142 of 2024

CIVIL REVISION PETITION NO: 150/2024

Between:

1. KOTHA VENKATA NAGA SATYANARAYANA MURTHY, S/O, VISWANATHAM, AGED ABOUT 54 YEARS, OCC. AGRICULTURE, R/O. D.NO.3-5, BHIMALAPURAM VILLAGE, ACHANTA MANDAL, WEST GODAVARI DISTRICT.

...PETITIONER

AND

1. PACHIGOLLA VENKATA RATNA KUMARI, W/o Badirinarayana, Aged about 58 years, Occ Housewife, R/ o. H.No.4-14, Ushodaya Enclave Colony, BHEL, HIG-II Phase, Madinaguda, Hyderabad-500046.

...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 aggrieved by the orders dated 04/12/2023, passed by the Court of X Addl. District Judge, Narsapur, West Godavari District, in IA. No.529 of 2023 in O.S. No.54 of 2018,

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 all further proceedings in O.S. No.54 of 2018 on the file of X Addl. District Judge, Narsapur, West Godavari District, and pass

Counsel for the Petitioner:

1. P S P SURESH KUMAR

Counsel for the Respondent:

1. G V RAJENDRA PRASAD

CIVIL REVISION PETITION NO: 141/2024

Between:

1. KOTHA VENKATA NAGA SATYNARAYANA MURTHY, S/O. VISWANATHAM, AGED ABOUT 54 YEARS, OCC AGRICULTURE, R/O. D.NO.3-5, BHIMALAPURAM VILLAGE, ACHANTA MANDAL, WEST GODAVARI DISTRICT.

...PETITIONER

AND

1. PACHIGOLLA VENKATA RATNA KUMARI, W/o.Badirinarayana, Aged about 58 years, Occ Housewife, R/ o. H.No.4-14, Ushodaya Enclave Colony, BHEL, HIG-II Phase, Madinaguda, Hyderabad-500046.

...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 aggrieved by the orders dated 04/12/2023, passed by the Court of X Addl. District Judge, Narsapur, West Godavari District, in LA. No.530 of 2023 in OS. No.54 of 2018, the Petitioner begs to submit the present Revision Petition

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 may be pleased to stay all further proceedings in O.S. No.54 of 2018 on the file of X Addl. District Judge, Narsapur, West Godavari District, and pass such

IA NO: 2 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 pleased vacate the interim stay order passed in IA No: 1/2024 in CRP 141/2024 dated 02.02.2024 and dated 23.02.2024 and pass

Counsel for the Petitioner:

1. P S P SURESH KUMAR

Counsel for the Respondent:

1. G V RAJENDRA PRASAD

CIVIL REVISION PETITION NO: 142/2024

Between:

1. KOTHA VENKATA NAGA SATYANARAYANA MURTHY, S/O. VISWANATHAM, AGED ABOUT 54 YEARS, OCC AGRICULTURE, R/O. D.NO.3-5, BHIMALAPURAM VILLAGE, ACHANTA MANDAL, WEST GODAVARI DISTRICT.

...PETITIONER

AND

1. PACHIGOLLA VENKATA RATNA KUMARI, W/o.Badirinarayana, Aged about 58 years, Occ Housewife, R/o. H.No.4-14, Ushodaya Enclave Colony, BHEL, HIG-II Phase, Madinaguda, Hyderabad-500046.

...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 aggrieved by the orders dated 04/12/2023, passed by the Court of X Addl. District Judge, Narsapur, West Godavari District, in LA. No.531 of 2023 in O.S. No.54 of 2018, the Petitioner begs to submit the present Revision Petition

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 may be pleased to stay all further proceedings in O.S. No.54 of 20108 on the file of X Addl. District Judge, Narsapur, West Godavari District, and pass such

Counsel for the Petitioner:

1. P S P SURESH KUMAR

Counsel for the Respondent:

1. G V RAJENDRA PRASAD

The Court made the following:

COMMON ORDER

The defendant in the suit O.S.No.54 of 2018 filed the above three Civil Revision Petitions against separate orders dated 04.12.2023 passed in I.A.Nos.529, 530 and 531 of 2023 by the learned X Additional District Judge, Narsapur.

2. For convenience, the parties herein shall be referred to as per their status/array in the suit O.S.No.54 of 2018.

3. The Plaintiff filed O.S.No.54 of 2018 on the file of the learned X Additional District Judge Court, Narsapur, West Godavari District, seeking delivery of suit ‘A’ and ‘B’ schedule properties from the defendant; past and future profits etc.,

4. The pleaded case of the plaintiff, as per the averments in the plaint are the plaintiff is the third elder sister of the defendant. Father Sri Viswanadham got properties in the partition, dated 15.12.1957. Subsequently, ancestral properties were divided between Viswanadham and the defendant, a minor, represented by his father, vide registered partition deed dated 20.02.1970. Thereafter, said Viswanadham executed a registered settlement deed, dated 19.09.1980, in favour of the plaintiff, in respect of the suit 'A' schedule properties.

(b) Subsequently, Sri Viswanadham, representing his minor son i.e. the defendant, executed a registered settlement deed in favour of the plaintiff on 16.10.1981 in respect of the suit 'B' schedule property that fell to the defendant's share.

(c) The plaintiff pleaded delivery of possession of the suit 'A' and 'B' schedule properties pursuant to the settlement deeds. The plaintiff's name was updated in the Record of Rights (ROR), and Pattadar pass books, and Title Deeds were issued in respect of the suit 'A' and 'B', schedule properties. The plaintiff has been paying taxes. As the plaintiff, along with her husband, has been residing in Hyderabad, the properties were looked after by her father initially and after the demise of their father, by the defendant. The defendant, due to the hike in the prices of the properties, is forcing the plaintiff to sell the plaint schedule properties to him and for two years, he stopped paying profits to the defendant. Hence, the suit.

5. The defendant filed a written statement. It was contended, *inter alia,* that their father neither executed any registered settlement deed dated 19.09.1980 nor delivered the possession of 'A' schedule property to the plaintiff. The plaintiff has no title, possession, or interest in the suit 'A' schedule properties. In the partition deed dated 20.02.1970, the suit 'B'

schedule property fell to the share of the defendant. The father has no title, right or interest to execute a settlement deed dated 16.10.1981 in favour of the plaintiff in respect of the suit 'B' schedule property. The defendant further denied the execution of all the documents, as well as the possession of the plaintiff. It was also pleaded that the defendant has been in possession and enjoyment of the suit 'A' and 'B' schedule properties since September 1980, uninterruptedly and to the knowledge of the plaintiff and other villagers. Further pleaded that two settlement deeds dated 19.09.1980 and 16.10.1981 were fabricated by the plaintiff with the help of her men and associates by committing forgery. The plaintiff was never in possession and enjoyment of the plaint schedule properties, and the suit claim is barred by limitation.

6. The trial Court framed the necessary issues.

7. The plaintiff got examined herself as PW1, besides examining PWs.2 and 3 and got marked the certified copies of settlement deeds as Exs.A2 and A3, and Pattadar Pass Books and Title Deeds as Exs.A4 and A5. The defendant examined himself as DW1 and got examined DWs.2 and 3.

8. The evidence of the defendant was closed on 20.10.2022, and the suit was posted to 02.11.2022, for arguments. The plaintiff submitted oral and written arguments on 13.09.2023, and the defendant submitted oral and written arguments on 25.09.2023. The suit was posted to 04.10.2023, for reply arguments of the plaintiff, if any.

9. At that juncture, the plaintiff filed I.A.No.529 of 2023 under Section 151 of the Code of Civil Procedure, 1908 ('C.P.C'), to reopen the suit; I.A.No. 530 of 2023 under order VI Rule 6 and 7 CPC for summoning the Joint Registrar, Palakollu, to bring the record relating to the registered settlement deeds bearing document Nos.1561 of 1980 and 2009 of 1981 and I.A.No. 531 of 2923 under

Order VI Rule 6 and 7 CPC for summoning the record from the Tahsildar, Achanta, regarding the Pattadar Pass Books and Title Deeds.

10. Though the plaintiff filed three separate interlocutory applications, the sum and substance in the affidavits are the same.

11. In the affidavits filed in support of the petitions, it was pleaded that Exs.A2 and A3 are about 40 years old, and the plaintiff could not bring the attestors of Exs.A2 and A3 as they have become old and unable to recollect, and some have died. The plaintiff could examine one of the attestors of Ex.A2, and during cross-examination, he replied that he could not say about his signature without looking into the original. The certified copies are not the original xerox copies of Exs.A2 and A3. The attesters of Ex.A3 grew old, and they are unable to recollect the attestation. Hence, they were not examined. Exs.A2 and A3 are in the custody of the Registrar's office, Palakollu. The defendant pleaded fabrication of Exs.A2 and A3, as well as A4 and A5. Even though there is sufficient material to prove title, as a matter of caution and to throw out the false claim of the defendant, the applications were filed to reopen and for issuance of summons to the Joint Registrar and Tahsildar, Achanta, to bring the record relating to the aforementioned documents.

12. The defendant filed a counter and opposed the application. It was contended that the plaintiff reported no further evidence on 19.02.2020. Thereafter, the defendant’s evidence was closed on 20.10.2022. The plaintiff and defendant submitted oral and written arguments, and the suit was posted to 04.10.2023 for reply arguments, if any. The interlocutory applications were filed as an afterthought to fill up lacunae in the case. The plaintiff filed the certified copies of Exs.A2 to A5, and hence, there is no need to summon the officials after three years and seven months, after the closure of evidence of the plaintiff. Eventually, prayed to dismiss the petitions.

13. The trial Court, by separate orders, dated 04.12.2023, allowed the applications, against which the aforementioned civil revision petitions are filed.

14. Heard Sri P.S.P. Suresh Kumar, learned counsel for the Petitioner/defendant and Sri G.V. Rajendra Prasad, learned counsel for the respondent/plaintiff.

15. Learned counsel for the petitioner/defendant would submit that to fill up the lacunae, the applications were filed at a belated stage. The I.As. were filed to drag on the suit. He would further submit that the interlocutory applications were filed by the plaintiff to fill up some lacunae pointed out by the defendants in the written arguments. Such a course is impermissible.

16. Learned counsel for the respondent/plaintiff, on the other hand, would contend that no prejudice would be caused to the defendant. The trial Court assigned reasons and prayed to dismiss the civil revision petitions.

17. The point for consideration is:

> "Whether the orders, dated 04.12.2023, passed in I.A.Nos.529, 530 and 531 of 2023 in O.S.No.54 of 2018 on the file of the learned X Additional District Judge Narsapur, suffer from any illegality brooking interference of this Court, while exercising the jurisdiction under Article 227 of the Constitution of India?

18. The facts stated supra need not be reiterated. Admittedly, the plaintiff's evidence was closed on 19.02.2020, and thereafter, the evidence of the defendant was closed on 20.10.2022. Thereafter, the oral and written arguments were submitted by both parties, and the suit was posted to 04.10.2023 for reply arguments, if any.

19. In the affidavits filed in support of the petitions, the plaintiff pleaded that even though there is sufficient material to prove title, as a matter of caution and to throw out the false claim of the defendant, the aforementioned applications are filed.

20. While dealing with the scope of Section 151 of C.P.C. the Hon'ble Apex Court, in ***K.K. Velusamy v. N. Palanisamy***[1], summarized as follows:

> (*a*) Section 151 is not a substantive provision which *creates* or confers any power or jurisdiction on courts. It merely recognises the discretionary power inherent in every court as a necessary corollary for rendering justice in accordance with law, to do what is "right" and undo what is "wrong", that is, to do all things necessary to secure the ends of justice and prevent abuse of its process.
>
> (*b*) As the provisions of the Code are not exhaustive, Section 151 recognises and confirms that if the Code does not expressly or impliedly cover any particular procedural aspect, the inherent power can be used to deal with such situation or aspect, if the ends of justice warrant it. The breadth of such power is coextensive with the need to exercise such power on the facts and circumstances.
>
> (*c*) A court has no power to do that which is prohibited by law or the Code, by purported exercise of its inherent powers. If the Code contains provisions dealing with a particular topic or aspect, and such provisions either expressly or by necessary implication exhaust the scope of the power of the court or the jurisdiction that may be exercised in relation to that matter, the inherent power cannot be invoked in order to cut across the powers conferred by the Code or in a manner inconsistent with such provisions. In other words the court

[1] **(2011) 11 SCC 275**

cannot make use of the special provisions of Section 151 of the Code, where the remedy or procedure is provided in the Code.

(*d*) The inherent powers of the court being complementary to the powers specifically conferred, a court is free to exercise them for the purposes mentioned in Section 151 of the Code when the matter is not covered by any specific provision in the Code and the exercise of those powers would not in any way be in conflict with what has been expressly provided in the Code or be against the intention of the legislature.

(*e*) While exercising the inherent power, the court will be doubly cautious, as there is no legislative guidance to deal with the procedural situation and the exercise of power depends upon the discretion and wisdom of the court, and in the facts and circumstances of the case. The absence of an express provision in the Code and the recognition and saving of the inherent power of a court, should not, however be treated as a *carte blanche* to grant any relief.

(*f*) **The power under Section 151 will have to be used with circumspection and care, only where it is absolutely necessary, when there is no provision in the Code governing the matter, when the bona fides of the applicant cannot be doubted, when such exercise is to meet the ends of justice and to prevent abuse of process of court. (emphasis added)**

21. Given the guidelines, let this court examine whether the trial court exercised the jurisdiction to meet the ends of justice. In the case at hand, as stated supra, I.A.No.529 of 2023 under Section 151 C.P.C. is filed after a lapse of 3 years 7 months from the date of closure of the plaintiff's evidence. As noted supra, in the affidavits, the plaintiff pleaded that, as a matter of caution, these

applications are filed. No other cogent reasons were assigned to reopen the suit or to summon the official witnesses.

22. The order of the trial Court runs into eight pages. Up to seven pages, the trial court dealt with the contents of the affidavit, counter and precedents. The trial court assigned reasons in the last paragraph of the order, which read as follows:

> "As per the entire contention of the petitioner to prove her case, it is necessary to summon both the witnesses to prove execution of settlement under Ex.A2 and A3 and issuance of passbook under Ex.A4 and A5 to come to fair conclusion of the case, hence all the petitions are allowed."

23. The trial Court did not even advert to the contention of the defendant regarding the delay in making the applications. In fact, the trial court failed to consider the precedents cited. No finding was recorded by the trial court regarding the *bona fides* of the revision petitioner/plaintiff. Giving a chance to a party to lead further evidence should be, to meet the ends of justice, not to fill up the lacunae pointed out by the other party in the written arguments.

24. In the case at hand, in the considered opinion of this court, the order passed by the trial court not only suffers from being bereft of reasons but also exceeds the jurisdiction vested in it and the reasons noted supra. In fact, as noted supra, the plaintiff exhibited documents in proof of the claim. Summoning the official witnesses, as a caution, after 3 years 7 months of closure of evidence, shall not be permitted routinely.

25. In **Assistant Commissioner, Commercial Tax Department, Works Contract & Leasing Kota vs. M/s.Shukla & Brother**[2] the Hon'ble Apex Court held that to sub-serve the purpose of the justice delivery system, it is essential

[2] (2010) 4 SCC 785

that the courts should record reasons for their conclusions, whether disposing of the case at the admission stage or after a regular hearing.

26. As seen from the record, the impugned orders were passed on 04.12.2023. The defendant made an application to get certified copies of the said orders on 22.01.2024, and the copies were made ready on the same day. In the meantime, the plaintiff paid the process fee, and on 20.12.2023, the Junior Assistant of Sub-Registrar Office, Achanta, produced certified copies of settlement documents and the Revenue Inspector of Tahsildar Office, Achanta, produced original records. They were examined as C.Ws.1 and 2 on 09.01.2024, and Exs.X1 to X4 and X5 to X7 were marked through them respectively. The suit was posted on 24.01.2024.

27. Thereafter, the above C.R.Ps are listed on 25.01.2024 and adjourned to 02.02.2024. An Interim order was granted in C.R.P.No.141 of 2024, on 02.02.2024, initially for four weeks, and the same was being extended from time to time.

28. Article 227 of the Constitution of India envisages the power of superintendence by the High Court over all Subordinate Courts and Tribunals. The power of superintendence conferred upon the High Court by Article 227 is not confined to administrative superintendence only but includes the power of judicial review. This Court must see that the trial Courts shall not exceed the power conferred on it or exercise power based on extraneous material.

29. The High Court, while exercising the power under Article 227 of the Constitution of India, can exercise its discretion to interfere in the following circumstances:

> When the inferior court assumes jurisdiction erroneously in excess of power; when refused to exercise jurisdiction; when an error of law is

apparent on the face of record; violated principles of natural justice; arbitrary or capricious exercise of authority or discretion; arriving at a finding which is perverse or based on no material; a patent or flagrant error in procedure; order resulting in manifest injustice and error both on facts and law or even otherwise.

30. In the case at hand, as noticed supra, the plaintiff failed to assign any reasons for filing the applications at a belated stage after 3 year 7 months, after closure of the plaintiff's evidence. The trial Court also failed to assign valid reasons. This court is of the considered opinion that the plaintiff filed those interlocutory applications solely to fill the alleged deficiencies pointed out by the defendant (according to the defendant) in his written arguments. Such a course, normally, will not be permissible unless the party filing the application proves that such an application is necessary to an effective and judicious disposal of the lis.

31. This court is conscious of the fact that the object of procedural rules is to advance the cause of justice and not thwart it. The procedural laws are designed to further the ends of justice and should not be constructed in a manner that penalises parties for mere technicalities. However, a party to the suit, who is not diligent and sleeps over the matter, and after waking up from deep slumber, files an interlocutory application to fill the lacunae, cannot be allowed to plead that procedural rules are meant to advance the cause of justice. Of course, normally, this court may not interfere with the trial court's jurisdiction.

32. In view of the ratio laid down in ***K.K. Velusamy's*** case referred supra, and the other reasons, the trial Court, in the opinion of this Court, allowed the applications without considering the relevant factors, and hence, the trial Court

exceeded its jurisdiction. Thus, the orders impugned brook interference of this Court.

33. Given the above discussion, these Civil Revision Petitions are allowed. The orders, dated 04.12.2023, passed in I.A.Nos.529, 530 and 531 of 2023 in O.S.No.54 of 2018 on the file of learned X Additional District Judge Court, Narsapur, are hereby set aside. No order as to costs.

34. Since the suit is of the year 2018 and the arguments are already completed, the trial Court shall expedite the disposal of the suit as expeditiously as possible, preferably within two months from the date of receipt of a copy of the order.

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

JUSTICE SUBBA REDDY SATTI

Date : 29.06.2026

IKN

Whether the order is :

Speaking Yes/No / Recorded Yes/No

Reportable Yes/No / Non-Reportable Yes/No