



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

[3457]

WEDNESDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE HARINATH.N
CIVIL REVISION PETITION NO: 3916, 3464 of 2014**

and

SECOND APPEAL No.624 of 2014

CRP.No.3916 of 2014

Between:

1.VADLAMUDI NAGEWARA RAO, S/O PAPAIAH, OCC: CULTIVATION,
R/O GARIKAPADU, PONNEKALLU, TADIKONDA, GUNTUR
DISTRICT.

...PETITIONER

AND

1.ORUGANTI SAMBASIVA RAO, S/o Gopaiah, Occ:Cultivation, R/o
Gorlavaripalem, Guntur Rural, Guntur 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 toto set aside the order passed by the executing court by allowing the
EP

IA NO: 1 OF 2014(CRPMP 5344 OF 2014

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 suspend the Order dated 09.10.2014 in E.A.No.265 of 2014 in E.P.No.1 of
2014 in O.S.No.83 of 2008 passed by the Learned Senior Civil Judge at
Mangalagiri, pending the above CRP

IA NO: 1 OF 2019

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 Petitioners No.2 to 5 herein to come on record as the Petitioners
No.2 to 5 in the above CRP and consequently as Petitioners No.2 to 5 in all
the Interlocutory Applications pending therein, as the Legal Representatives of
the deceased Petitioner No.1 herein and Sole Petitioner in the above CRP
and pass

Counsel for the Petitioner:

1.BOTLA VENKATESWARA RAO

Counsel for the Respondent:

1.P RAJKUMAR

CRP.No.3464 of 2014**Between:**

- 1.VADLAMUDI NAGESWARA RAO, GUNTUR DIST, S/O.PAPAIAH, AGED ABOUT 58 YEARS, OCC: CULTIVATION, R/O.GARIKAPADU, PONNEKALLU, TADIKONDA, GUNTUR DISTRICT.

...PETITIONER**AND**

- 1.ORUGANTI SAMBASIVA RAO GUNTUR DIST, S/o.Gopaiah, Aged about 45 years,.Occ:Cultivation, R/o.Gorlavaripalem, Guntur Rural, Guntur 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 toaggrieved by the Order dated 24.09.2014 in EP No.1 of 2014 in O.S.No.83 of 2008 on the file of Senior Civil Judge Court, Mangalagiri

IA NO: 1 OF 2014(CRPMP 4737 OF 2014)

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 suspend the order dated 24.09.2014 in EP No.1 of 2014 in OS No.83 of 2008 passed by the Learned Senior Civil Judge at Mangalagiri, pending the above CRP and pass

IA NO: 1 OF 2019

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 Petitioners No.2 to 5 herein to come on record as the Petitioners No.2 to 5 in the above CRP and consequently as Petitioners No.2 to 5 in all the Interlocutory Applications pending therein, as the Legal Representatives of the deceased Petitioner No.1 herein and Sole Petitioner in the above CRP and pass

Counsel for the Petitioner:

- 1.BOTLA VENKATESWARA RAO

Counsel for the Respondent:

- 1.P RAJKUMAR

SA.No.624 of 2014**Between:**

- 1.VADLAMUDI NAGESWARA RAO,, S/O.PAPAIAH, AGED ABOUT 58 YEARS, OCC: CULTIVATION, R/O.GARIKAPADU, PONNEKALLU, TADIKONDA, GUNTUR DISTRICT.

...APPELLANT**AND**

- 1.ORUGANTI SAMABASIVA RAO, S/o.Gopaiah, Aged about 45 years, Occ:Cultivation, R/o.Gorlavaripalem, Guntur Rural, Guntur District.

...RESPONDENT

Appeal fled against orders to set aside the judgments and decrees passed by the courts below by dismissing the suit and pass

IA NO: 1 OF 2014(SAMP 1748 OF 2014)

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 365 days in representing the above Second Appeal and pass

IA NO: 2 OF 2014(SAMP 1763 OF 2014)

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 grant stay of all further proceedings pursuant to the judgment and decree in Dt. 01/04/2013 in AS.No. 16 of 2011 passed by the learned VI Additional District Judge (FTC) at Guntur, pending disposal of the above SA

IA NO: 1 OF 2019

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 Petitioners No.2 to 5 herein to come on record as the Petitioners No.2 to 5 in the above CRP and consequently as Petitioners No.2 to 5 in all the Interlocutory Applications pending therein, as the Legal Representatives of the deceased Petitioner No.1 herein and Sole Appellant in the above Second Appeal and pass

Counsel for the Appellant:

1.BOTLA VENKATESWARA RAO

Counsel for the Respondent:

1.P RAJKUMAR

The Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N
CIVIL REVISION PETITION NOS: 3916, 3464 of 2014
and
SECOND APPEAL No.624 of 2014

COMMON ORDER:-

1. The CRP.Nos.3916 of 2014 and 3464 of 2014 are offshoots of execution proceedings in OS.No.83 of 2008. SA.No.624 of 2014 is filed by the defendant in the suit aggrieved by the dismissal of AS.No.16 of 2011. If the Second Appeal is decided on merits it shall have a direct bearing on the Civil Revision Petitions.
2. SA.No.624 of 2014 is filed by the defendant challenging the judgment of the learned VI Additional District Judge (FTC), Guntur in A.S.No.16 of 2011. OS.No.83 of 2008 was filed by the respondent/plaintiff seeking the relief of specific performance of contract of sale dated 13.08.2004. The suit was decreed on 17.06.2009 and the learned Judge directed the defendant therein to receive the balance sale consideration from the plaintiff and execute a regular registered sale deed in favour of the plaintiff. The plaintiff was also directed to deposit the balance sale consideration within a period of two weeks from the date of decree.
3. The defendant preferred an appeal against the decree and judgment and the first Appellate Court dismissed the appeal and confirmed the decree and judgment in OS.No.83 of 2008.
4. The present second appeal is filed primarily contending that the defendant never intended to sell the suit schedule property and that he had borrowed an amount of Rs.50,000/- from the plaintiff. It is also

contended that apart from the defendant his sister is also a surviving legal heir of the father of the defendant and she too has share in the property. It is also the contention of the defendant that the family property could not have been subject of an agreement of sale. It is alleged that the plaintiff has taken undue advantage of the illiteracy of the defendant. It is alleged that the plaintiff has obtained signatures on blank stamp papers and thereafter fabricated the alleged agreement of sale dated 13.08.2004.

5. The schedule of property as per the plaint is land admeasuring Ac.1.17½ cents. The agreement of sale relied upon by the plaintiff is also for an extent of Ac.1.17½ cents of land. Ex.A4 the original registered sale deed on the name of the defendant's father is for total extent of seven acres of land.
6. To substantiate the stand of the defendant, the defendant has deposed before the trial Court that he is prepared to give Ac.3.50 cents of land i.e., half of the share to his sister. It is also stated that he also received a legal notice from his sister seeking partition of the property. It is also stated in the cross-examination that the plaintiff addressed a legal notice seeking the relief of specific performance and that the defendant did not issue any reply as the plaintiff intended to compromise the matter.
7. The First Appellate Court has considered the matter on merits and dismissed the appeal by upholding the judgment and decree passed by

the trial Court. The First Appellate Court has also held that the defendant has failed to prove under what circumstances he executed his signatures on blank papers.

8. Heard both the learned counsel. Perused the material on record.
9. The question of law which is to be considered in the Second Appeal is
 - (a) *Whether the appellant herein has made out a case for interference with the judgments of the trial Court and the First Appellate Court ?*
 - (b) *Whether the trial Court erred in not considering the financial transaction between the plaintiff and defendant as loan transaction and treating it as a subject of an agreement of sale for transferring title of an immovable property ?*
 - (c) *Whether the defendant's stand that he could not have executed an agreement of sale in favour of the plaintiff, more so when his sister has a share in the property on the name of the father of the defendant and his sister ?*
10. To answer the above questions of law, the record is perused. The evidence adduced before the trial Court is also perused. Apart from the defendant there was no other witness examined for corroborating the stand of the defendant. It is also not explained as to why the defendant chose to be silent after having received Ex.A2 – legal notice from the plaintiff on 07.09.2004 calling upon execution of the sale deed in pursuance of agreement of sale dated 13.08.2004 - Ex.A1. There is no justification from the defendant side as to what prompted the defendant to remain silent without filing a criminal complaint alleging fabrication of an agreement of sale and misusing the alleged executed blank signed stamp papers. The defendant is also negligent in not even issuing a reply denying the execution of Ex.A1 soon after receipt of Ex.A2 notice. The continued

silence of the defendant till the point of filing of the written statement on 02.02.2008 speaks volumes of the conduct of the defendant. The trial Court and the First Appellate Court have passed a well considered and sound reasoning judgments.

11. The contention of the appellant that suit was filed within a period of nine days of issuing the legal notice is concerned, the same is of no consequence as the defendant has exhibited lethargy in putting forth his point of view and stand at the earliest possible convenience. The other contentions raised by the appellant would also not instill any grounds for interference in the judgments of the trial Court and the First Appellate Court.
12. The contention of the appellant that Ex.A1 does not contain the signatures of both the vendor and vendee and that the said document could not have been considered as a regular agreement of sale. The further contention that the manner in which Ex.A1 is executed, it is evident that the same is fabricated. This contention could have gathered some attention had the defendant filed a criminal complaint alleging fabrication of the said document.
13. The stand of appellant that blank stamp papers which are alleged to have been signed and which are subsequently fabricated for the purpose of the suit cannot be appreciated. As seen from the evidence of PW.2 and PW.3, there is no suggestion from the defendant during the cross examination that Ex.A1 was executed as a blank document by the defendant.

14. On these grounds, this Court is not inclined to interfere in the well considered and well reasoned judgment of the First Appellate Court in confirming the judgment and decree passed by the trial Court in OS.No.83 of 2008.

15. The execution of sale deed was done in pursuance of the orders passed in EP.No.1 of 2014 on 30.09.2014 and subsequently possession was delivered in pursuance of issuance of delivery warrant on 06.11.2014. CRP.No.3464 of 2014 is filed challenging the order passed in EP.No.1 of 2014 and CRP.No.3916 is filed challenging the issuance of delivery warrant in EA.No.265 of 2014 in EP.No.1 of 2014. As the second appeal is dismissed, the civil revision petitions deserve to be dismissed.

16. Accordingly, civil revision petitions and the second appeal are dismissed.
No costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE HARINATH.N

Dated 04.02.2026
KGM

THE HONOURABLE SRI JUSTICE HARINATH.N

CIVIL REVISION PETITION Nos.3916, 3464 of 2014

&

SECOND APPEAL No.624 of 2014

Dated 04.02.2026

KGM