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APHC010143932025



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

[3331]

TUESDAY, THE 25th DAY OF AUGUST, 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 778/2025

Between:

- 1.BULLE LAKSHMANNA, S/O. B. NARAYANAPPA, AGED ABOUT 74 YEARS, R/O. D.NO.16-281, UMA NAGAR, ANANTHAPURAMU TOWN, ANANTHAPURAM DISTRICT, A.P.
- 2.BULLE NARAPPA,, S/O. B. NARAYANAPPA AGED ABOUT 67 YEARS, R/O. D.NO.368, 4TH CROSS, SARADA NAGAR, ANANTHAPURAMU DISTRICT, A.P.
- 3.BULLE LAKSHMI DEVI,, W/O. VENKATESU, AGED ABOUT 62 YEARS, R/O. SUDHAKUNTAPALLI VILLAGE, KUNTIMADHI MANDAL, SRI SATYA SAI DISTRICT, A.P.
- 4.BULLE KANTHAMMA,, W/O. VEERA NARAPPA, AGED ABOUT 59 YEARS, R/O. LOLURU VILLAGE, GARLADINNE MANDAL ANANTHAPURAMU DISTRICT, A.P.

...PETITIONER(S)

AND

- 1.BULLE NARAMMA JAMPALA NARAMMA, D/O. BULLE SATYANARANA, W/O. JAMPALA CHINNA KONDANNA AGED ABOUT 71 YEARS, R/O. D.NO.2-44, PASULURU VILLAGE, BUKKARAYASAMUDRAM MANDAL ANANTHAPURAMU DISTRICT, A.P.
- 2.BULLE CHINNA RAMUDU, S/O. BULLE LAKSHMANNA, AGED ABOUT 76 YEARS, R/O. UPPARAPALLI VILLAGE, ANANTHAPURAMU DISTRICT.
- 3.BULLE RAMUDU, S/O. PEDDA RAMAPPA, AGED ABOUT 66 YEARS, R/O. D.NO.368, 4TH CROSS, SARADA NAGAR, ANANTHAPURAMU DISTRICT (R 2 AND 3 ARE NOT NECESSARY PARTIES)

...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 set aside the Impugned Order dated 05.02.2025 passed in I.A. No. 1090 of 2024 in O.S.No.95 of 2023 on the file of the I Additional District Judge, Ananthapuramu in dismissing the Application filed by the Petitioners/Defendant Nos.1, 2, 5 and 6 herein under Order 7 Rule 11 of Code of Civil Procedure 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 stay all further proceedings in O.S.No.95 of 2023 on the file of the I Additional District Judge, Ananthapuramu, during the pendency of the above Civil Revision Petition and pass

Counsel for the Petitioner(S):

- 1.CKR ASSOCIATES

Counsel for the Respondent(S):

1.M RAVINDRA

The Court made the following ORDER:

Defendants 1, 2, 5 and 6 in the suit filed the above revision against the order, dated 05.02.2025 in I.A.No.1090 of 2024 in O.S.No.95 of 2023 on the file of the learned I Additional District Judge, Ananthapuramu.

2. For the sake of convenience, the parties to this Civil Revision Petition (C.R.P.) shall be referred to as per their status in the suit O.S.No.95 of 2023.

3. Respondent No.1, being the plaintiff, filed suit O.S.No.95 of 2023 for declaration of title over the suit schedule property and for permanent injunction restraining the defendants, their men, agents and servants from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property.

4. As seen from the averments set out in the plaint, the father of the plaintiff by name Bulle Satyanarayana and his brother Bulle Narayanappa are brothers. After the death of the plaintiff's father, the plaintiff's mother Kondamma and the plaintiff are in continuous possession and enjoyment of the suit schedule property. The other co-owners executed a registered relinquishment deed, dated 12.06.1969. Thereby the plaintiff and her mother became the absolute owners of land admeasuring Ac.1-26 cents in survey No.176-5, Anantapuramu. The original relinquishment deed was with Narayanappa, father of defendants 1 and 2. The mother of the plaintiff, Kondamma, executed a registered gift deed in favour of the plaintiff vide document No.15853 of 2007 dated 06.12.2007 in

respect of the part of the schedule property. The plaintiff accepted the gift, and it was acted upon.

(ii) The defendants and some others tried to disturb the possession, and hence, the plaintiff along with her mother filed suit O.S.No.422 of 1995 on the file of the learned Principal Junior Civil Judge, Anantapuramu, for permanent injunction. The said suit was dismissed, against which the plaintiffs in the suit filed A.S.No.1 of 2003 on the file of the learned III Additional District Judge, Anantapuramu. The said appeal was dismissed confirming the decree in O.S.No.422 of 1995. Aggrieved by the judgment in A.S.No.1 of 2003, the plaintiff filed S.A.No.335 of 2005 before the High Court, and the same was dismissed recording a finding about the cloud on the title of the plaintiffs therein. Thereafter, the mother died. Hence, the plaintiff filed the present suit seeking declaration of title.

5. Defendant No.2 filed a written statement denying the plaintiff's case.

6. Pending the suit, defendants 1, 2, 5 and 6 filed I.A.No.1090 of 2024 in O.S.No.95 of 2023 under Order VII Rule 11 C.P.C. to reject the plaint.

7. In the affidavit filed in support of the petition, it was contended, *inter alia*, that the land admeasuring Ac.1-26 cents in Survey No.176-5, Ananthapuramu is joint property of the plaintiff's father, B. Satyanarayana and his brothers by name Bulle Narayanappa, Lakshmanna, Peddaiah and Ramappa. Bulle Lakshmaiah, Bulle Peddaiah, Bulle Narayanappa, Bulle Ramappa and Bulle Satyanarayana died. Bulle Lakshmanna died, leaving behind him only a son by name Bulle Chinna Ramappa. Said Chinna Ramappa had daughters by names Pedda Ujjinamma, Renukamma, Chinna Ujjinamma, Nagalakshmi and Obulamma and a son Vannurappa. Bulle Peddaiah had no issues. Bulle

Narayanappa had sons by names Bulle Lakshmanna, Nariganna, Narappa and daughters by names Kanthamma, Lakshmi Devi. Bulle Ramappa had a son by name Ramudu and daughters Lakshmi Devi and Savitri.

(ii) The averment in the plaint that regarding execution of relinquishment deed, dated 12.06.1969 and custody of its original with Narayanappa, has been denied.

(iii) The suit filed by the plaintiff is barred by limitation. In the earlier suit filed by the plaintiff and her mother, for injunction, the defendants denied title and hence, the plaintiffs therein should have asked for a declaration. The gift deed dated 06.12.2007, alleged to have been executed by the plaintiff's mother, is created only for a new cause of action.

8. The trial court, by order dated 05.02.2025, dismissed the application.

9. Heard Sri N. Subba Rao, learned senior counsel representing Sri N. Sai Phanindra Kumar, learned counsel for the petitioners and Sri M. Ravindra, learned counsel for respondent No.1.

10. Learned Senior Counsel would submit that the suit O.S.No.95 of 2023, filed by the plaintiff, is barred by limitation. The plaintiff and her mother filed suit O.S.No.422 of 1993, and the defendants, by filing a written statement, denied the title of the plaintiffs therein. However, the plaintiffs therein did not take steps to amend the suit and continued the suit till the second appeal. The second appeal was dismissed by the High Court on 23.11.2022. Thereafter, the present suit was filed seeking a declaration of title and a perpetual injunction on 28.08.2023. The observation by the High Court will not create a new cause of

action or will not save the limitation. The trial court failed to consider this aspect and dismissed the petition.

11. Learned senior counsel relied on the following judgments:

- a) **Dahiben Vs. Arvindbhai Kalyanji Bhanusali (Gajra) dead through LRs and others¹.**
- b) **Shri Mukund Bhavan Trust and others Vs. Shrimant Chhatrapati Udayan Raje Pratapsinh Maharaj Bhonsle and another².**
- c) **Channappa (D) Thr. LRs. Vs. Parvatewwa (D) Thr. L.R.s.³.**
- d) **L.C. Hanumanthappa (since dead) represented by his LRs Vs. H.B. Shivakumar⁴.**
- e) **Khatari Hotels Private Limited and another Vs. Union of India and another⁵.**

12. On the other hand, learned counsel for respondent No.1 supported the order passed by the trial court and contended that the limitation is a mixed question of law and fact. The trial court considered these aspects and dismissed the application. Learned counsel prayed to dismiss the revision.

13. Learned counsel for the 1st respondent relied on the following judgments:

- a) **P. Kumarakurubaran Vs. P. Narayanan and others⁶.**
- b) **Karam Singh Vs. Amarjit Singh and others⁷.**

¹ (2020) 7 SCC 366 : 2020 SCC OnLine SC 562

² (2024) 15 SCC 675 : 2024 SCC OnLine SC 3844

³ 2026 SCC OnLine SC 552

⁴ (2016) 1 SCC 332 : 2015 SCC OnLine SC 759

⁵ (2011) 9 SCC 126 : 2011 SCC OnLine SC 1236

⁶ 2025 SCC OnLine SC 975

⁷ 2025 SCC OnLine SC 2240 : AIR 2025 SC 5041

c) Chhotanben and another Vs. Kiritbhai Jalkrushnabhai Thakkar and others⁸.

d) Kamala Vs. K.T. Eshwara S.A⁹.

14. The points for consideration are:

1. Whether the plaint O.S.No. 95 of 2023 is liable to be rejected under Order VII Rule 11 CPC?
2. Whether the order under revision suffers from any irregularity or illegality warranting interference under Article 227 of the Constitution of India?

15. Learned counsel for the appellants contended that the courts below failed to consider Ex. A10, relinquishment deed under which defendant No.1 relinquished his right in the plaint schedule property in exchange for other property shown as 'B' schedule, to the plaintiffs.

16. On the other hand, learned counsel for the respondents would contend that both the courts held that the plaintiffs failed to prove their possession of the suit schedule property on the date of filing of the suit. Learned counsel further argued that the plaintiffs' claim is based on Ex. A1 and the same was denied by the defendants.

Reasoning by the Court:

17. The facts narrated supra need no iteration. It is an undisputed fact that the earlier suit O.S.No. 422 of 1993 filed by the plaintiff and her mother seeking perpetual injunction was dismissed, confirmed in the appeal and second appeal by the High Court. The judgment in S.A.335 of 2005 was filed along with the

⁸ (2018) 6 SCC 422 : 2018 SCC OnLine SC 352

⁹ (2008) 12 SCC 661 : 2018 SCC OnLine SC 727

plaint. A document filed along with the plaint is part and parcel of the plaint. Reference can be made to the case of **The Church of Christ Charitable Trust & Educational Charitable Society Vs. Ponniamman Educational Trust**¹⁰ wherein it has been held as follows:

“13. In the light of the controversy, we have gone through all the averments in the plaint. In paragraph 4 of the Plaint, it is alleged that the 2nd defendant as agreement holder of the 1st defendant and also as the registered Power of Attorney holder of the 1st defendant executed the Agreement of Sale. In spite of our best efforts, we could not find any particulars showing as to the documents which are referred to as ‘agreement holder’. We are satisfied that neither the documents were filed along with the Plaint nor the terms thereof have been set out in the Plaint. The above mentioned two documents were to be treated as part of the Plaint as being the part of the cause of action. **It is settled law that where a document is used upon and its terms are not set out in the plaint but referred to in the Plaint, the said document gets incorporated by reference in the plaint. This position has been reiterated in U.S.Sasidharan Vs. K.Karunakaran and another, 1989 (4) SCC 482 and Manohar Joshi Vs. Nitin Bhaurao Patil and another, 1996 (1) SCC 169.**”

(emphasis is mine)

18. Also, very recently the Hon'ble Apex Court in **N Asha Devi vs R Aravind Kumar and another**,¹¹ reiterated that when an application for rejection of plaint is filed under Order VII Rule 11 of the Code of Civil

¹⁰ 2012 (4) CTC 308

¹¹ 2026 INSC 908

Procedure, 1908, only the averments in the plaint and the documents annexed with it are relevant for consideration.

19. The suit O.S.No. 422 of 1995 was filed based upon the document dated 23.06.1969 which was marked as Ex.A.1. The said suit was dismissed and both the appeal and second appeal were dismissed.

20. As seen from the judgment of the second appeal, one of the substantial questions of law framed is whether the courts below properly appreciated the document i.e. Ex.A10, relinquishment deed, dated 12.06.1969, in the light of specific contention raised by the plaintiffs in the instant case?

21. At para 18 of the judgment of the second appeal, the Court observed that defendant No.1 specifically denied Ex. A1, title deed of the plaintiffs under which the plaintiffs are claiming title and possession over the plaint schedule property. During the course of evidence, the defendants have produced Ex.B1, registration copy of registered sale deed, dated 22.08.1961 to show that the plaint schedule property i.e. 'land in survey No.176-5 of an extent of Ac.1-26 cents, was purchased by defendant No.1, which the plaintiffs are also not disputing as they pleaded exchange of said land from defendant No.1 under Ex.A1. The appellate court dismissed the second appeal, by relying upon the decision of the Hon'ble Apex Court reported in **Anathula Sudhakar Vs. P. Buchi Reddy (dead) by L.R.s. and others**¹². The court observed as below at para 21:

“... As held by the Hon'ble Apex Court in **Anathula Sudhakar Vs. P. Buchi Reddy (dead) by L.R.s.. And others case** (referred to supra), though the suit is filed in the year 1995 driving the plaintiffs to

¹² AIR 2008 SC 2033

a fresh round of litigation after three decades would cause hardship to them. But the scope civil cases are circumscribed by the limitations placed by the rules of pleadings, nature of relief claimed and the court fee paid. Therefore, this Court is of the opinion that the suit filed by the plaintiffs seeking injunction simplicitor is not maintainable without seeking declaration of title when the defendants have created a cloud over the title of the plaintiffs.”

22. In the present suit O.S.No.95 of 2023, the plaintiff narrated about filing suit O.S.No.422 of 1993, its dismissal etc. At para 5 of the plaint, it was averred about the dismissal of the second appeal and the observations in the second appeal. In the cause of action, it was pleaded about the exchange deed, dated 12.06.1969, filing of suit etc. It was specifically pleaded that while dismissing S.A.No.335 of 2005, the High Court gave a direction to file suit for declaration of title.

23. As seen from the judgment dated 23.11.2022 in S.A.No.335 of 2005, the Court observed that the defendants therein denied the title of the plaintiffs therein, by filing written statements and a suit for injunction simpliciter was not maintainable without seeking a declaration of title where the defendants had raised a cloud thereon. As seen from the excerpts of the judgment, there is neither direction to the appellants in the second appeal, i.e., the plaintiffs in the present suit, to file suit for declaration nor liberty/leave was granted to respondent No.1 to institute a fresh suit for declaration. Even if such liberty had been expressly granted, that by itself would not have revived a dead claim. It will not give life to a fresh cause and limitation.

24. The Hon'ble Apex Court in **Smt. Arifa v. Abhiman Apartment Coop. Housing Society Ltd.**,¹³ observed that notwithstanding that the High Court had itself granted liberty to file a fresh comprehensive suit after the earlier injunction suit failed, such liberty could not revive a time-barred cause and that limitation had, in any event, to be reckoned in accordance with the period prescribed by the statute. The relevant paras 10 & 11 are reproduced as below:

“10. The entire substratum of the plaintiff's case is built upon the alleged coercion and misrepresentation in execution of the PoA and subsequent cancellation effected, which ground does not survive having been rejected concurrently by three courts in the earlier proceeding, clearly barring the present suit on the ground of res judicata. The issue now agitated was substantially in issue in the earlier suit and decided against the plaintiff, bringing in the rigour of Section 11 of the Civil Procedure Code.

11. We perfectly agree with the findings in the impugned judgment [Abhiman Apartment Coop. Housing Society Ltd. v. Kasim Sab Peersab Nadaf, 2023 SCC OnLine Kar 1578] regarding limitation and res judicata and cannot but observe that the liberty granted by the High Court in the second appeal was akin to flogging a dead horse; which cannot give a fresh lease of life to either the cause of action; to save limitation or the grounds on which the declaration and consequential relief has been prayed for in the present suit; which grounds were already adjudicated in the earlier suit and found against the plaintiff by three courts.”

25. The earlier suit, filed by respondent No.1 for injunction, in which the petitioners denied the title, was already on record. The litigation was carried out right up to this Court and failed at every stage. The plea of declaration of

¹³ (2025) 10 SCC 700

title, available to her all along on the same cause of action, was never sought to be incorporated therein. Once ownership was denied in the pleadings, it became incumbent upon Respondent No.1 to seek the comprehensive relief of a declaration of title, along with the consequential relief of an injunction. The omission to seek such relief in the first round of litigation is significant and cannot be cured through a subsequent suit by a clever drafting of the plaint.

26. Applying the above principles, this Court finds that the plaint in O.S.No.95 of 2023, read together with the documents filed along with it, including the judgments in S.A.No.335 of 2005, discloses that the dispute regarding respondent No.1's title, and the cloud cast thereon by the petitioners, is not of recent origin but dates back at least to the time of filing of written statement in O.S.No.422 of 1995.

27. Order VII Rule 11(d) CPC mandates rejection of a plaint where the suit, "appears from the statement in the plaint" to be barred by any law, including the law of limitation. It is well settled that at this stage the Court is required to look only at the averments in the plaint, read meaningfully and as a whole, together with the documents filed along with it, without embarking upon a roving enquiry into disputed questions of fact and without being influenced by the defence set up in the written statement. Clever drafting cannot be permitted to circumvent this well-settled rule, nor can a plaintiff be allowed to create an illusion of a subsisting cause of action where none exists on a fair reading of the plaint.

28. A reference can be made to **Dahiben v. Arvinbhai Kalyanji Bhanusali**,¹⁴ and **T. Arivandandam vs T.V. Satyapal**,¹⁵ wherein the Hon'ble

¹⁴ (2020) 7 SCC 366

¹⁵ (1977) 4 SCC 467

Apex Court emphasised that the power under Order VII Rule 11 is not merely discretionary but obligatory once the plaint discloses that the suit is barred, and that Courts must nip vexatious, cleverly drafted and time-barred litigation in the bud rather than subject defendants to the ordeal of a full trial. Para 5 of **T. Arivandandam** (supra) is reproduced as under:

“5. We have not the slightest hesitation in condemning the petitioner for the gross abuse of the process of the court repeatedly and unrepentently resorted to. From the statement of the facts found in the judgment of the High Court, it is perfectly plain that the suit now pending before the First Munsif’s Court, Bangalore, is a flagrant misuse of the mercies of the law in receiving plaints. The learned Munsif must remember that if on a meaningful not formal reading of the plaint it is manifestly vexatious, and meritless, in the sense of not disclosing a clear right to sue, he should exercise his power under Order VII, Rule 11, C.P.C. taking care to see that the ground mentioned therein is fulfilled. **And, if clever drafting has created the illusion of a cause of action, nip it in the bud at the first hearing by examining the party searchingly under Order X, C.P.C. An activist Judge is the answer to irresponsible law suits. The trial Courts would insist imperatively on examining the party at the first hearing so that bogus litigation can be shot down at the earliest stage.** The Penal Code is also resourceful enough to meet such men, (Cr. XI) and must be triggered against them.”

(Emphasis is mine)

29. This legal position has been reiterated recently in **Shri Mukund Bhavan Trust v. Shrimant Chhatrapati Udayan Raje Pratapsinh Maharaj Bhonsle**¹⁶, wherein the Apex Court, while accepting that limitation is ordinarily

¹⁶ (2024) 15 SCC 675

a mixed question of fact and law, held that where it is glaring from the plaint averments themselves that the suit is hopelessly barred by limitation, the Courts ought not to hesitate in granting relief under Order VII Rule 11(d) CPC and ought not to relegate the parties to trial merely to keep the question notionally open.

30. The litigant must institute the suit within the time prescribed in the Limitation Act. Normally, for a declaration of title, the suit must be filed within three years as per Article 58 of the Limitation Act, when the right to sue accrues. Even if Articles 64 and 65 are applied to the case at hand, still the suit is barred by limitation. As held in **Khatri Hotels (P) Ltd. v. Union of India**,¹⁷ the Legislature's deliberate use of the word "first" between "sue" and "accrued" signifies that where a right is founded on more than one cause of action, limitation runs from the earliest accrual, and a subsequent or successive infringement of the same right does not furnish a fresh starting point.

31. The judgments relied upon by the respondents have no application to the facts of the case. A close reading of all four decisions shows that they proceed on a common premise that the plaint taken as a whole, did not on its face, disclose that the suit was barred by limitation. Limitation could be determined only by first resolving a genuine, evidence-dependent dispute as to when the plaintiff acquired knowledge of a fraudulently or clandestinely executed document, etc. This premise is wholly absent in the present case. Here, the finding that the plaint is barred by limitation flows directly from the plaintiff's own averments and the dates pleaded in the plaint itself, which, read as a whole, demonstrate ex-facie that the suit is hopelessly time-barred. There

¹⁷ (2011) 9 SCC 126

is no plea of a specific date of knowledge, concealment, or fraud that is genuinely contested and would call for appreciation of evidence at trial.

32. Thus, given the discussion supra, this court is of the considered opinion that the trial court failed to exercise jurisdiction vested in it. The trial court also failed to address the scope of Order VII Rule 11(d) C.P.C. in a proper perspective. The order under revision, if allowed to be continued, would result in miscarriage of justice and thus, it brooks interference.

33. While exercising jurisdiction under Article 227 of the Constitution of India, in **Nandi Infrastructure Corridor Enterprises Ltd. and Another Vs. B. Gurappa Naidu and Others**¹⁸, the Hon'ble Apex Court, by referring to the decisions reported in **Shalini Shyam Shetty Vs. Rajendra Shankar Patil**¹⁹; **Estralla Rubber Vs. Dass Estate (P) Ltd.**²⁰, and **Garment Craft Vs. Prakash Chand Goel**²¹ 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 are 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

¹⁸ 2026 SCC OnLine SC 745

¹⁹ (2010) 8 SCC 329

²⁰ (2001) 8 SCC 97

²¹ (2022) 4 SCC 181

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.”

34. Given the above, the Civil Revision Petition is allowed. The order dated 05.02.2025 in I.A.No.1090 of 2024 in O.S.No.95 of 2023 on the file of the learned I Additional District Judge, Ananthapuramu is set aside. I.A.No. 1090 of 2024 stands allowed and the suit O.S.No.95 of 2023 on the file of the learned I Additional District Judge is rejected in terms of Order VII Rule 11(d) C.P.C. There shall be no order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date : 25.08.2026
ikn

Whether the order is:

Speaking Yes/No / Recorded Yes/No

Reportable Yes/No / Non-Reportable Yes/No