

APHC010526592023



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

[3332]

PRESENT:THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 2729/2023

Along with

CIVIL REVISION PETITION Nos.2753, 2762, 2813, 2814 & 2868 of 2023

CIVIL REVISION PETITION No.2729 of 2023

Between:

1.KUNCHE VENKATA LAKSHMI, W/O PRAKASH, HINDU, 52 YEARS,
HUSBAND'S PROTECTION, R/O DIWANCHERUVU, RAJANAGARM
MANDAL.

...PETITIONER

AND

1. PINEPE MALAMMADIED, (DIED).
2. JUTTIKA RAMAYAMMA, (DIED).
3. KUNCHE SARASWATHI, (DIED).
4. KUNCHE CHINA MANGAYAMMA, (DIED).
5. KUNCHE ABBAI, S/O VENKANNA, HINDU, 67 YEARS,
AGRICULTURE, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM
MANDAL.
6. KUNCHE SURYA RAO, S/O VENKANNA, HINDU, 67 YEARS,
AGRICULTURE, H.NO.1-2, DIWANCHERUVU, RAJANAGARAM
MANDAL.
7. KUNCHE CHANDRA RAO, S/O VENKANNA, HINDU, 62 YEARS,
ADVOCATE, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM
MANDAL.
8. KUNCHE VEERRAJU, S/O VENKANNA, HINDU, AGRICULTURIST,
H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL.

(RESPONDENTS 50 8 ARE ALREADY ADDED AS LEGAL HEIRS OF DECEASED R-4 KUNCHE CHINA MANGAYAMMA).

9. KOLLAPU NARAYANAMMA, W/O NAGESWARA RAO, HINDU, 54 YEARS, H.NO.2/3,VEDULLAPALLI, SEETHANAGARAM MANDAL, EAST GODAVARI DISTRICT.
- 10.GALL PADMA, W/O LATE ABRAHAM, HINDU, 52 YEARS, D.NO.3-14-2911, PSR NAGAR, MARRIPALEM, VISAKHAPATNAM.
- 11.KUNCHE PERAYYA, (DIED). (RESPONDENTS 9 TO 11 ARE ADDED AS L.RS OF DECEASED 3RD DEFENDANT). (R9 AND R10 ARE THE DAUGHTERS CUM LEGAL HEIRS OF DECEASED 11TH RESPONDENT WHO ARE ALREADY ON RECORD).
- 12.PINEPE SESHAGIRI RAO, S/O ABBAI, HINDU, 64 YEARS, PASTOR, R/O H.NO.3-1, KURMANNAPALEM VILLAGE, AGANAMPUDI MANDAL, VISAKHAPATNAM.
- 13.PINEPE CHANDRA SEKHAR, S/O ABBAI, HINDU, 63 YEARS, PASTOR, R/O H.NO.3-2, KURMANNAPALEM VILLAGE, AGANAMPUDI MANDAL,VISAKHAPATNAM. (R12 AND R13 ARE PROPOSED LEGAL REPRESENTATIVES OF 1ST RESPONDENT PINEPE MALAMMA).
- 14.JUTTIKA RAMAKRISHNA, S/O LATE BHIMARAJU, HINDU, 40 YEARS, AGRICULTURIST, H.NO.7-3,RAYUDUPAKALA, RAJANGARAM MANDAL.
- 15.JUTTIKA SUBRAHMANYAM, SLATE KOTESWARA RAO, HINDU, 26 YEARS, AGRICULTURIST, H.NO.7-4,RAYUDUPAKALU, RAJANAGARAM MANDAL.
- 16.JUTTIKA SURESH, S/O LATE KOTESWAR RAO, HINDU, 24 YEARS, AGRICULTURIST, H.NO.7-4,RAYUDUPAKALU, RAJANAGARAM MANDAL. (R14 TO R16 ARE THE PROPOSED LEGAL HEIRS OF DECEASED 2ND RESPONDENT).

...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 common order, dated 24.08.2023 passed in

I.A.Nos.402 of 2022 in O.S.No.143 of 2008, on the file of II Additional Senior Civil Judge, Rajamahendravaram, in the interest of justice and pass

IA NO: 1 OF 2023

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 dispense with the filing of the certified copy of common order, dated 24.08.2023 in I.A.No.402 of 2022 in O.S.No.143,of 2008, on the file of II Additional Senior Civil Judge, Rajamahendiavaram, in the interest of justice and pass

Counsel for the Petitioner:

1.P RAJASEKHAR

Counsel for the Respondent(S):

1.P RAJESH BABU

CIVIL REVISION PETITION NO: 2753/2023

Between:

1.KUNCHE VENKATA LAKSHMI, W/O PRAKASH, HINDU, 52 YEARS,
HUSBAND'S PROTECTION, R/O DIWANCHERUVU, RAJANAGARM
MANDAL. **...PETITIONER**

AND

1. PINEPE MALAMMADIED, DIED
2. JUTTIKA RAMAYAMMA, (DIED).
3. KUNCHE SARASWATHI, (DIED).
4. KUNCHE CHINA MANGAYAMMA, (DIED).
5. KUNCHE ABBAI, S/O VENKANNA, HINDU, 67 YEARS,
AGRICULTURE, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM
MANDAL.
6. KUNCHE SURYA RAO, SIO VENKANNA, HINDU, 67 YEARS,
AGRICULTURE, H.NO.1-2, DIWANCHERUVU, RAJANAGARAM
MANDAL.

7. KUNCHE CHANDRA RAO, , SIO VENKANNA, HINDU, 62 YEARS, ADVOCATE, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL.
8. KUNCHE VEERRAJU, SA) VENKANNA, HINDU, AGRICULTURIST, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL. (RESPONDENTS 5O 8 ARE ALREADY ADDED AS LEGAL HEIRS OF DECEASED R-4 KUNCHE CHINA MANGAYAMMA).
9. KOLLAPU NARAYANAMMA, W/O NAGESWARA RAO, HINDU, 54 YEARS, H.NO.2/3,VEDULLAPALLI, SEETHANAGARAM MANDAL, EAST GODAVARI DISTRICT.
- 10.GALL PADMA, W/O LATE ABRAHAM, HINDU, 52 YEARS, D.NO.3-14-29/1, PSR NAGAR, MARRIPALEM, VISAKHAPATNAM.
- 11.KUNCHE PERAYYA, (DIED). (RESPONDENTS 9 TO 11 ARE ADDED AS L.RS OF DECEASED 3RD DEFENDANT). (R9 AND R10 ARE THE DAUGHTERS CUM LEGAL HEIRS OF DECEASED 11TH RESPONDENT WHO ARE ALREADY ON RECORD).
- 12.PINEPE SESHAGIRI RAO, S/O ABBAI, HINDU, 64 YEARS, PASTOR, R/O H.NO.3-1, KURMANNAPALEM VILLAGE, AGANAMPUDI MANDAL, VISAKHAPATNAM.
- 13.PINEPE CHANDRA SEK HAR, S/O ABBAI, HINDU, 63 YEARS, PASTOR, R/O H.NO.3-2, KURMANNAPALEM VILLAGE, AGANAMPUDI MANDAL,VISAKHAPATNAM. (R12 AND R13 ARE PROPOSED LEGAL REPRESENTATIVES OF 1ST RESPONDENT PINEPE MALAMMA).
- 14.JUTTIKA RAMAKRISHNA, , S/O LATE BHIMARAJU, HINDU, 40 YEARS, AGRICULTURIST, H.NO.7-3,RAYUDUPAKALA, RAJANGARAM MANDAL.
- 15.JUTTIKA SUBRAHMANYAM, S/O LATE KOTESWARA RAO, HINDU, 26 YEARS, AGRICULTURIST, H.NO.7-4,RAYUDUPAKALU, RAJANAGARAM MANDAL.
- 16.JUTTIKA SURESH, S/O LATE KOTESWAR RAO, HINDU, 24 YEARS, AGRICULTURIST, H.NO.7-4,RAYUDUPAKALU, RAJANAGARAM MANDAL. (R14 TO R16 ARE THE PROPOSED LEGAL HEIRS OF DECEASED 2ND RESPONDENT).

...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 common order, dated 24.08.2023 passed in I.A.Nos.403 of 2022 in O.S.No.143 of 2008, on the file if II Additional Senior Civil Judge, Rajamahendravaram, in the interest of justice and pass

IA NO: 1 OF 2023

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 dispense with the filing of the certified copy of common order, dated 24.08.2023 in I.A.No.403 of 2022 in O.S.No.143 of 2008, on the file of II Additional Senior Civil Judge, Rajamahendravaram, in the interest of justice, and pass

Counsel for the Petitioner:

1.P RAJASEKHAR

Counsel for the Respondent(S):

1.P RAJESH BABU

CIVIL REVISION PETITION NO: 2762/2023

Between:

1.KUNCHE VENKATA LAKSHMI, W/O PRAKASH, HINDU, 52 YEARS, HUSBAND'S PROTECTION, R/O DIWANCHERUVU, RAJANAGARM MANDAL.

...PETITIONER

AND

1. PINEPE MALAMMA, (DIED)
2. JUTTIKA RAMAYAMMA, (DIED).
3. KUNCHE SARASWATHI, (DIED).
4. KUNCHE CHINA MANGAYAMMA, (DIED).
5. KUNCHE ABBAI, S/O VENKANNA, HINDU, 67 YEARS, AGRICULTURE, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL.

6. KUNCHE SURYA RAO, S/O VENKANNA, HINDU, 67 YEARS, AGRICULTURE, H.NO.1-2, DIWANCHERUVU, RAJANAGARAM MANDAL.
7. KUNCHE CHANDRA RAO, , S/O VENKANNA, HINDU, 62 YEARS, ADVOCATE, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL.
8. KUNCHE VEERRAJU, , S/O VENKANNA, HINDU, AGRICULTURIST, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL. (RESPONDENTS 5O 8 ARE ALREADY ADDED AS LEGAL HEIRS OF DECEASED R-4 KUNCHE CHINA MANGAYAMMA).
9. KOLLAPU NARAYANAMMA, W/O NAGESWARA RAO, HINDU, 54 YEARS, H.NO.2/3,VEDULLAPALLI, SEETHANAGARAM MANDAL, EAST GODAVARI DISTRICT.
- 10.GALI PADMA, W/O LATE ABRAHAM, HINDU, 52 YEARS, D.NO.3-14-29/1, PSR NAGAR, MARRIPALEM, VISAKHAPATNAM.
- 11.KUNCHE PERAYYA, (DIED). (RESPONDENTS 9 TO 11 ARE ADDED AS L.RS OF DECEASED 3RD DEFENDANT). (R9 AND R10 ARE THE DAUGHTERS CUM LEGAL HEIRS OF DECEASED 11TH RESPONDENT WHO ARE ALREADY ON RECORD).
- 12.PINEPE SESHAGIRI RAO, , S/O ABBAI, HINDU, 64 YEARS, PASTOR, R/O H.NO.3-1, KURMANNAPALEM VILLAGE, AGANAMPUDI MANDAL, VISAKHAPATNAM.
- 13.PINEPE CHANDRA SEKHAR, S/O ABBAI, HINDU, 63 YEARS, PASTOR, R/O H.NO.3-2, KURMANNAPALEM VILLAGE, AGANAMPUDI MANDAL,VISAKHAPATNAM. (R12 AND R13 ARE PROPOSED LEGAL REPRESENTATIVES OF 1ST RESPONDENT PINEPE MALAMMA).
- 14.JUTTIKA RAMAKRISHNA, S/O LATE BHIMARAJU, HINDU, 40 YEARS, AGRICULTURIST, H.NO.7-3,RAYUDUPAKALA, RAJANGARAM MANDAL.
- 15.JUTTIKA SUBRAHMANYAM, S/O LATE KOTESWARA RAO, HINDU, 26 YEARS, AGRICULTURIST, H.NO.7-4,RAYUDUPAKALU, RAJANAGARAM MANDAL.

16. JUTTIKA SURESH, S/O LATE KOTESWAR RAO, HINDU, 24 YEARS, AGRICULTURIST, H.NO.7-4, RAYUDUPAKALU, RAJANAGARAM MANDAL. (R14 TO R16 ARE THE PROPOSED LEGAL HEIRS OF DECEASED 2ND RESPONDENT).

...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 common order, dated 24.08.2023 passed in I.A.Nos.405 of 2022 in O.S.No.143 of 2008, on the file of II Additional Senior Civil Judge, Rajamahendravaram, in the interest of justice and pass

IA NO: 1 OF 2023

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 dispense with the filing of the certified copy of common order, dated 24.08.2023 in I.A.No.405 of 2022 in O.S.No.143 of 2008, on the file of II Additional Senior Civil Judge, Rajamahendravaram, in the interest of justice, and pass

Counsel for the Petitioner:

1. P RAJASEKHAR

Counsel for the Respondent(S):

1. P RAJESH BABU

CIVIL REVISION PETITION NO: 2813/2023

Between:

1. KUNCHE VENKATA LAKSHMI, W/O PRAKASH, HINDU, 52 YEARS, HUSBAND'S PROTECTION, R/O DIWANCHERUVU, RAJANAGARM MANDAL

...PETITIONER

AND

1. PINEPE MALAMMADIED, (DIED).
2. JUTTIKA RAMAYAMMA, (DIED).
3. KUNCHE SARASWATHI, (DIED).

4. KUNCHE CHINA MANGAYAMMA, (DIED).
5. KUNCHE ABBAI, S/O VENKANNA, HINDU, 67 YEARS, AGRICULTURE, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL.
6. KUNCHE SURYA RAO, , S/O VENKANNA, HINDU, 67 YEARS, AGRICULTURE, H.NO.1-2, DIWANCHERUVU, RAJANAGARAM MANDAL.
7. KUNCHE CHANDRA RAO, S/O VENKANNA, HINDU, 62 YEARS, ADVOCATE, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL.
8. KUNCHE VEERRAJU, S/O VENKANNA, HINDU, AGRICULTURIST, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL. (RESPONDENTS 50 8 ARE ALREADY ADDED AS LEGAL HEIRS OF DECEASED R-4 KUNCHE CHINA MANGAYAMMA).
9. KOLLAPU NARAYANAMMA, W/O NAGESWARA RAO, HINDU, 54 YEARS, H.NO.2/3,VEDULLAPALLI, SEETHANAGARAM MANDAL, EAST GODAVARI DISTRICT.
- 10.GALI PADMA, , W/O LATE ABRAHAM, HINDU, 52 YEARS, D.NO.3-14-29/1, PSR NAGAR, MARRIPALEM, VISAKHAPATNAM.
- 11.KUNCHE PERAYYA, (DIED). (RESPONDENTS 9 TO 11 ARE ADDED AS L.RS OF DECEASED 3RD DEFENDANT). (R9 AND R10 ARE THE DAUGHTERS CUM LEGAL HEIRS OF DECEASED 11TH RESPONDENT WHO ARE ALREADY ON RECORD).
- 12.PINEPE SESHAGIRI RAO, S/O ABBAI, HINDU, 64 YEARS, PASTOR, R/O H.NO.3-1, KURMANNAPALEM VILLAGE, AGANAMPUDI MANDAL, VISAKHAPATNAM.
- 13.PINEPE CHANDRA SEKHAR, S/O ABBAI, HINDU, 63 YEARS, PASTOR, R/O H.NO.3-2, KURMANNAPALEM VILLAGE, AGANAMPUDI MANDAL,VISAKHAPATNAM. (R12 AND R13 ARE PROPOSED LEGAL REPRESENTATIVES OF 1ST RESPONDENT PINEPE MALAMMA).
- 14.JUTTIKA RAMAKRISHNA, S/O LATE BHIMARAJU, HINDU, 40 YEARS, AGRICULTURIST, H.NO.7-3,RAYUDUPAKALA,

RAJANGARAM MANDAL.

15. JUTTIKA SUBRAHMANYAM, , S/O LATE KOTESWARA RAO, HINDU, 26 YEARS, AGRICULTURIST, H.NO.7-4, RAYUDUPAKALU, RAJANAGARAM MANDAL.
16. JUTTIKA SURESH, S/O LATE KOTESWAR RAO, HINDU, 24 YEARS, AGRICULTURIST, H.NO.7-4, RAYUDUPAKALU, RAJANAGARAM MANDAL.

...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 common order, dated 24.08.2023 passed in I.A.Nos.406 of 2022 in O.S.No.143 of 2008, on the file of II Additional Senior Civil Judge, Rajamahendravaram, in the interest of justice and pass

IA NO: 1 OF 2023

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 dispense with the filing of the certified copy of common order, dated 24.08.2023 in I.A.No.406 of 2022 in O.S.No.143 of 2008, on the file of II Additional Senior Civil Judge, Rajamahendravaram, in the interest of justice, and pass

Counsel for the Petitioner:

1. P RAJASEKHAR

Counsel for the Respondent(S):

1. P RAJESH BABU

CIVIL REVISION PETITION NO: 2814/2023

Between:

1. KUNCHE VENKATA LAKSHMI,, W/O PRAKASH, HINDU, 52 YEARS, HUSBAND'S PROTECTION, R/O DIWANCHERUVU, RAJANAGARM MANDAL.

...PETITIONER

AND

1. PINEPE MALAMMA DIED, A
2. JUTTIKA RAMAYAMMA DIED, A
3. KUNCHE SARASWATHI DIED, A
4. KUNCHE CHINA MANGAYAMMA DIED, A
5. KUNCHE ABBAI, S/O VENKANNA, HINDU, 67 YEARS, AGRICULTURE, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL.
6. KUNCHE SURYA RAO, S/O VENKANNA, HINDU, 67 YEARS, AGRICULTURE, H.NO.1-2, DIWANCHERUVU, RAJANAGARAM MANDAL.
7. KUNCHE CHANDRA RAO, S/O VENKANNA, HINDU, 62 YEARS, ADVOCATE, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL.
8. KUNCHE VEERRAJU, S/O VENKANNA, HINDU, AGRICULTURIST, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL. (RESPONDENTS 5O 8 ARE ALREADY ADDED AS LEGAL HEIRS OF DECEASED R-4 KUNCHE CHINA MANGAYAMMA).
9. KOLLAPU NARAYANAMMA, W/O NAGESWARA RAO, HINDU, 54 YEARS, H.NO.2/3,VEDULLAPALLI, SEETHANAGARAM MANDAL, EAST GODAVARI DISTRICT.
- 10.GALI PADMA, W/O LATE ABRAHAM, HINDU, 52 YEARS, D.NO.3-14-29/1, PSR NAGAR, MARRIPALEM, VISAKHAPATNAM.
- 11.KUNCHE PERAYYA DIED, (RESPONDENTS 9 TO 11 ARE ADDED AS L.RS OF DECEASED 3RD DEFENDANT). (R9 AND R10 ARE THE DAUGHTERS CUM LEGAL HEIRS OF DECEASED 11TH RESPONDENT WHO ARE ALREADY ON RECORD).
- 12.PINEPE SESHAGIRI RAO, S/O ABBAI, HINDU, 64 YEARS, PASTOR, R/O H.NO.3-1, KURMANNAPALEM VILLAGE, AGANAMPUDI MANDAL, VISAKHAPATNAM.
- 13.PINEPE CHANDRA SEK HAR, S/O ABBAI, HINDU, 63 YEARS, PASTOR, R/O H.NO.3-2, KURMANNAPALEM VILLAGE, AGANAMPUDI MANDAL,VISAKHAPATNAM. (R12 AND R13 ARE PROPOSED LEGAL REPRESENTATIVES OF 1ST RESPONDENT PINEPE MALAMMA).

14. JUTTIKA RAMAKRISHNA, S/O LATE BHIMARAJU, HINDU, 40 YEARS, AGRICULTURIST, H.NO.7-3, RAYUDUPAKALA, RAJANGARAM MANDAL.
15. JUTTIKA SUBRAHMANYAM, S/O LATE KOTESWARA RAO, HINDU, 26 YEARS, AGRICULTURIST, H.NO.7-4, RAYUDUPAKALU, RAJANAGARAM MANDAL.
16. JUTTIKA SURESH, S/O LATE KOTESWAR RAO, HINDU, 24 YEARS, AGRICULTURIST, H.NO.7-4, RAYUDUPAKALU, RAJANAGARAM MANDAL. (R14 TO R16 ARE THE PROPOSED LEGAL HEIRS OF DECEASED 2ND RESPONDENT).

...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 common order, dated 24.08.2023 passed in I.A.Nos.404 of 2022 in O.S.No.143 of 2008, on the file of II Additional Senior Civil Judge, Rajamahendravaram, in the interest of justice

IA NO: 1 OF 2023

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 in O.S.No.143 of 2008, on the file of II Additional Senior Civil Judge, Rajamahendravaram, pending the above Civil Revision Petitions before this Hon'ble Court, in the interest of justice

Counsel for the Petitioner:

1. P RAJASEKHAR

Counsel for the Respondent(S):

1. P RAJESH BABU

CIVIL REVISION PETITION NO: 2868/2023

Between:

1. KUNCHE VENKATA LAKSHMI, W/O PRAKASH, HINDU, 52 YEARS, HUSBAND'S PROTECTION, R/O DIWANCHERUVU, RAJANAGARM MANDAL.

...PETITIONER

AND

1. PINEPE MALAMMA, (DIED)
2. JUTTIKA RAMAYAMMA, (DIED).
3. KUNCHE SARASWATHI, (DIED).
4. KUNCHE CHINA MANGAYAMMA, (DIED).
5. KUNCHE ABBAI, S/O VENKANNA, HINDU, 67 YEARS, AGRICULTURE, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL.
6. KUNCHE SURYA RAO, S/O VENKANNA, HINDU, 67 YEARS, AGRICULTURE, H.NO.1-2, DIWANCHERUVU, RAJANAGARAM MANDAL.
7. KUNCHE CHANDRA RAO, S/O VENKANNA, HINDU, 62 YEARS, ADVOCATE, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL.
8. KUNCHE VEERRAJU, S/O VENKANNA, HINDU, AGRICULTURIST, H.NO.1-2,DIWANCHERUVU, RAJANAGARAM MANDAL. (RESPONDENTS 50 8 ARE ALREADY ADDED AS LEGAL HEIRS OF DECEASED R-4 KUNCHE CHINA MANGAYAMMA).
9. KOLLAPU NARAYANAMMA, W/O NAGESWARA RAO, HINDU, 54 YEARS, H.NO.2/3,VEDULLAPALLI, SEETHANAGARAM MANDAL, EAST GODAVARI DISTRICT.
- 10.GALI PADMA, W/O LATE ABRAHAM, HINDU, 52 YEARS, D.NO.3-14-29/1, PSR NAGAR, MARRIPALEM, VISAKHAPATNAM.
- 11.KUNCHE PERAYYA, (DIED). (RESPONDENTS 9 TO 11 ARE ADDED AS L.RS OF DECEASED 3RD DEFENDANT). (R9 AND R10 ARE THE DAUGHTERS CUM LEGAL HEIRS OF DECEASED 11TH RESPONDENT WHO ARE ALREADY ON RECORD).

- 12.PINEPE SESHAGIRI RAO, S/O ABBAI, HINDU, 64 YEARS, PASTOR, R/O H.NO.3-1, KURMANNAPALEM VILLAGE, AGANAMPUDI MANDAL, VISAKHAPATNAM.
- 13.PINEPE CHANDRA SEK HAR, S/O ABBAI, HINDU, 63 YEARS, PASTOR, RIO H.NO.3-2, KURMANNAPALEM VILLAGE, AGANAMPUDI MANDAL,VISAKHAPATNAM. (R12 AND R13 ARE PROPOSED LEGAL REPRESENTATIVES OF 1ST RESPONDENT

PINEPE MALAMMA).

14. JUTTIKA RAMAKRISHNA, S/O LATE BHIMARAJU, HINDU, 40 YEARS, AGRICULTURIST, H.NO.7-3, RAYUDUPAKALA, RAJANGARAM MANDAL.
15. JUTTIKA SUBRAHMANYAM, S/O LATE KOTESWARA RAO, HINDU, 26 YEARS, AGRICULTURIST, H.NO.7-4, RAYUDUPAKALU, RAJANAGARAM MANDAL.
16. JUTTIKA SURESH, S/O LATE KOTESWAR RAO, HINDU, 24 YEARS, AGRICULTURIST, H.NO.7-4, RAYUDUPAKALU, RAJANAGARAM MANDAL. (R14 TO R16 ARE THE PROPOSED LEGAL HEIRS OF DECEASED 2ND RESPONDENT).

...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 common order, dated 24.08.2023 passed in I.A.Nos.401 of 2022 in O.S.No.143 of 2008, on the file of II Additional Senior Civil Judge, Rajamahendravaram, in the interest of justice and pass

IA NO: 1 OF 2023

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 in O.S.No.143 of 2008, on the file of II Additional Senior Civil Judge, Rajamahendravaram, pending the above Civil Revision Petitions before this Hon'ble Court, in the interest of justice and pass

Counsel for the Petitioner:

1. P RAJASEKHAR

Counsel for the Respondent(S):

1. P RAJESH BABU

Reserved on 18.03.2026

Pronounced on 28.04.2026

Uploaded on 28.04.2026

COMMONORDER

These Civil Revision Petitions are filed questioning the legality and correctness of the orders dated 24.08.2023 passed by the learned II Additional Senior Civil Judge, Rajamahendravaram in dismissing the Interlocutory Applications filed to condone the delay in filing petitions to set aside the abatement, for setting aside the abatement and to implead the Legal Representatives of the deceased defendant no. 1 and defendant no.2, separately (in all six petitions) .

2. Inasmuch as all these Civil Revision Petitions arise out of the orders passed in the applications filed in the same suit, they are heard together and are being disposed of by this common order.

3. The petitioner is the plaintiff, the respondent nos.9 to 11 are defendant nos. 9 to 11, the respondent nos. 12 and 13 are the proposed defendant nos.12 & 13 to be brought on record as Legal Representatives of defendant no.1 and defendant nos. 14 to 16 are the proposed defendant nos.14 to 16 to be brought on record as Legal Representatives of defendant no.2.

4. The facts that led to filing of these Civil Revision Petitions, in brief, are that:

(i) the plaintiff filed the suit against the defendant nos. 1 to 8 for declaration of her right and title over the plaint schedule property and for consequential permanent injunction. The said suit came up for arguments and in the course of arguments, having learnt that the defendant nos. 1 to 3 died during trial, he filed petitions vide I.A.Nos.1258, 1259 & 1260 of 2027 to condone the delay of 242 days to set aside the abatement and add defendant nos.12 & 13 as Legal Representatives of the deceased defendant no.1 and similarly filed petitions vide I.A.Nos.1261, 1262 & 1263 of 2017 to add defendant nos.14 to 16 as Legal Representatives of deceased defendant no.2 by condoning the delay of 263 days. The said petitions were dismissed. Aggrieved thereby, the petitioner filed Civil Revision Petitions and keeping in view of the contention raised by the plaintiff therein that the delay was occurred in bringing the Legal Representatives on record for the reason that the defendants did not inform her about the death of the defendants, this Court disposed of those CRPs granting liberty to the plaintiff to file petitions afresh taking also the said plea and accordingly, the petitions covered under the orders impugned in these Civil Revision Petitions came to be filed praying to condone the delay of 1946 and 2698 days by adding the subsequent delay occurred from the date of filing of the initial petitions till the date of filing the subsequent petitions.

(ii) The defendant nos.9 and 10 filed counters denying the relief sought in the petitions by contending that the delay has not been satisfactorily explained by giving sufficient reasons and that all the Legal Representatives of the deceased first defendant were not brought on record and accordingly prayed to dismiss the petitions.

(iii) The learned trial Judge, upon considering submissions made by both the learned counsel and material available on record dismissed the petitions, observing that the death of the defendants has been informed to the court by the counsel by filing memo on 12.07.2017 itself, however the plaintiff did not take steps till 27.12.2017.

(iv) The said dismissal orders have been assailed in these Civil Revision Petitions.

5. Heard Sri P.Rajasekhar, learned counsel for the petitioner/plaintiff and Sri P.RajeshBabu, learned counsel for respondent nos.9 & 10/defendant nos.9 and 10. The respondents 1 to 4 and 11 died and respondent nos.5 to 8, and 14 to 16 though served did not choose to put up their appearance.

6. Sri P.Rajasekhar, learned counsel for the petitioner, while reiterating the contents of the affidavit filed in support of the petitions in trial Court and grounds of Civil Revision Petitions would contend that though the delay

sought to be condoned appears very inordinate, however, infact the initial delay was relatively a minor and manageable delay of 242 and 263 days only, however, due to the pedantic approach of the trial Court in dismissing the initial applications ignoring the fact that the said delay too was occurred due to noncompliance of Rule-10A of Order-XXII CPC, the said minor delay was escalated into a multi-year delay. He would further contend that simply filing a memo informing the death without furnishing the list of the Legal Representatives on whom the cause to sue still survives cannot be said to be true compliance of Rule-10A of Order-XXII CPC, however, the learned trial Judge failed to consider the same and dismissed the applications. He would further contend that the Hon'ble Supreme Court and this Court in catena of decisions held that the Courts should be very liberal and should always adopt pragmatic approach while dealing with condonation of delay that too in the matters of bringing the Legal Representatives on record, however, the learned trial Judge by adopting the rigid procedural adherences and without considering the well-established principle that advancement of substantial justice should always to be of prime importance over technicalities and trivial procedural flaws, erroneously dismissed the petitions. He would further contend that the impugned orders suffer from illegality and legal infirmity and

they are liable to be set aside and accordingly prayed to allow the Civil Revision Petitions.

In support of his contentions, the learned counsel for the petitioner relied upon the decision in ***Binod Pathak and others vs. Shankar Choudary and others***¹.

7. On the other hand Sri P.RajeshBabu, learned counsel for respondent nos.9 and 10 while reiterating the contents of the counter filed in trial Court would contend that despite informing the Court about the death of defendant nos.1 to 3 by filing memo, the plaintiff did not take steps immediately and since the plaintiff could not properly explain the reasons for delay, the learned trial Judge rightly dismissed the petitions. He would further contend that all the Legal Representatives of defendant no.1 were not brought on record and on that ground itself the petitions are liable to be dismissed and the learned trial Judge upon meticulous analysis of the facts and circumstances of the case rightly dismissed the petitions and the well-considered orders, since do not suffer any legal infirmity, warrant no interference. Accordingly, prayed to dismiss the Civil Revision Petitions.

8. Perused the material available on record and considered the submissions made by the learned counsel for the parties.

¹. 2025 Supreme(SC) 1060

9. The facts emanate from the material available on record and the submissions made by learned counsel for the parties, would indicate that initially the petitions were filed to condone the delay of 242 and 263 days respectively in filing the petitions to set aside the abatement order. Those petitions were dismissed. Aggrieved thereby, the petitioner filed Civil Revision Petitions, wherein the petitioner took a stand that the delay was solely due to the fact that the death of the defendants was never informed to the Court. In view of the said plea, this Court disposed of the Civil Revision Petitions granting liberty to the petitioner to file petitions afresh before the trial Court by also taking the said plea. Accordingly, the petitions covered under the impugned orders came to be filed to condone the delay of 1946 and 2698 days.

10. The impugned order states that a memo was filed into Court on 12.07.2017 informing the death of defendant nos.1 to 3, however the plaintiff did not take any steps till 27.12.2017 and accordingly dismissed the petitions.

11. It is relevant here to remind that the initial delay of 242 and 263 days has now been escalated to a multi-year delay, due to the reasons stated above and therefore, it has to be seen as to whether the initial delay 242 and 263 has properly been explained or not.

12. Rule-10A of Order XXII of Code of Civil Procedure mandates that when a pleader (lawyer) appearing for a party learns of death of their party, they must inform the court, which then notifies the other side. This Provision is introduced to curb hardships from suits abating, it places a duty on counsel to disclose the death.

13. In ***Binod Pathak*** (supra 1) relied on by the learned counsel for the plaintiff, the Hon'ble Supreme Court held thus:

60. Rule 10A of Order XXII, as inserted by the Amendment Act, 1976 imposes an obligation on the pleader appearing for the party to intimate death of his client to the court. But there is difference of opinion as to whether the duty imposed on the pleader is confined to factum of death of a party or also to furnish names and particulars of legal representatives.

61. According to one view, there is no obligation on the pleader appearing on behalf of the deceased party to furnish or supply list of legal representatives of the deceased.

62. According to the other view, however, the pleader has not only to inform the court as to death of the party but he must also furnish particulars of legal representatives.

63. However, we are of the view that providing merely an information with regard to the fact of death is not sufficient compliance of the Rule 10A of the CPC. unless and until the counsel furnishes the information with regard to the details of the persons on whom and against whom the right to sue survives and the information under Rule 10A of the CPC. and the object behind it would remain incomplete as the parties would still be labouring to inquire who are the legal representatives and find out as to upon whom and against whom the right to sue survives."

14. In view of the above observations, mere providing information regarding death without furnishing the details on the persons on whom and

against whom the right to sue survives, does not absolve the counsel from the duty ordained under Rule-10A of Order-XXII of CPC.

15. The impugned orders merely suggest that the details of the persons on whom and against whom the right to sue survives has not been furnished and therefore, it cannot be said that there was due compliance of the mandate contained in Rule-10A.

16. Since there is a lapse on the part of the counsel in furnishing the particulars of the persons the sue survives, some part of the delay might have been due to labouring of the petitioner in getting particulars of the Legal Representatives, which could always be a sufficient reason for condoning the delay. No doubt, the defendant nos.9 and 10 in their counter took up a stand that some more Legal Representatives were not brought on record by furnishing their particulars. However, that being a subsequent event can be of no avail.

17. The Supreme Court has consistently emphasized that a pragmatic, liberal, and justice-oriented approach should be adopted when condoning delays in bringing the legal representatives (LRs) of a deceased party on record. The governing principle is that procedural technicalities should not outweigh substantial justice, and meritorious matters should not be dismissed

solely on the grounds of limitation, provided the delay is not due to negligence or lack of bona fides.

18. In the instant case, there is a clear infraction of Rule-10A of Order-XXII of CPC, since particulars of the person against whom right to sue survives was not furnished, however the learned trial Judge did not consider the same. The disinclination of trial Court in condoning the delay of 200+ days that too in a petition filed for adding the Legal Representatives of the deceased defendants at the arguments stage even though there is no sufficient compliance of Rule-10A, made the matter to subsist for nearly a decade.

19. At this juncture, it is relevant to recollect the well established principle of law that a party cannot take advantage of their own wrong, fraud, or negligence to gain a legal benefit or favorable interpretation. This principle ensures fairness and equity, preventing anyone from profiting from their own misconduct or default, frequently applied by courts to stop individuals from exploiting their breaches of duty.

20. Therefore, since the counsel for the defendants failed to furnish the particulars of Legal Representatives, which might also have contributed for some length of delay, the defendants cannot be permitted to take advantage of the delay occurred due to their own default. Hence, the initial delay of 242

and 263 days in filing the petitions and the ultimate delay occurred in filing the petitions covered by the impugned orders can be condoned keeping in view of the stage of the suit which is about to be concluded on merits and also the infraction of the Rule-10A of Order-XXII of CPC committed by the counsel for the defendants.

21. Further, it is apt here to note that the suit is of the year 2008 and the delay petitions were initially filed in the year 2017 when the suit stood posted for arguments, now we are in the year 2026 and for almost nine (09) years the matter remained pending for the simple reason of some delay in adding the Legal Representatives of the defendants that were noticed dead during the course of arguments. It is not as though the plaintiff get any advantage due to non-inclusion of the Legal Representatives.

22. Therefore, the disinclination of the trial Court in condoning the nominal delay made the suit to survive for nine (09) more years without yielding any fruits to either of the parties, which cannot be said to be adopting of a justice-oriented approach as often held by the Hon'ble Supreme Court.

23. For all the above reasons, these Civil Revision Petitions are allowed, setting aside the orders impugned. Consequently, all the petitions covered under the impugned orders are allowed. The plaintiff must also include the

Legal Representatives of the deceased no.1 referred to in the counter filed by defendant nos. 9 and 10. The learned trial Judge shall endeavour to dispose of the suit at an earliest. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

28th April, 2026.

JUSTICE RAVI CHEEMALAPATI

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