Date of reserved for orders :25.09.2026
Date of pronouncement :04.11.2026
Date of uploading :04.11.2026

APHC010255842025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3625]
(Special Original Jurisdiction)

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

APPEAL SUIT NO: 353/2025

Between:

1. P. CHANDRAKALA, W/O. P. RAMALINGAIAH, AGED 45 YEARS, R/O. D.NO.1-750-A, ADCC BANK COLONY KAKKALAPALLI, RUDRAMPETA, ANANTHAPURAMU DISTRICT.

...APPELLANT

AND

1. KARNATAKA STATE INDUSTRIAL AND DEVELOPMENT CORPORATION LTD, MSIL HOUSE NO.36, CUNNINGHAM ROAD, BANGALORE, REPTD., BY ITS MANAGER, H. VENKATESH MURTHY.
2. M/S VIJAYANAGAR BREEDING FARMS LTD, S.NO.20/1, 21/1 AND 33/1, GOWRIBIDDANUR VILLAGE, NEAR VIDURASWARTHAM RAILWAY STATION, KOLAR DISTRICT, KARNATAKA STATE.
3. M/S VIJAYANAGAR BREEDING FARMS LTD, NO.CI-103, RMV CLUSTERS, DEVINAGAR EXTENSION, LOTTEGOLLAHALLI, BANGALORE.
4. DR JYOTHI REDDY, , W/O AMARNATH REDDY, D.NO.11, 1ST MAIN, 4TH CROSS, AECS, 2RD STAGE, RMV 2' STAGE, BANGALORE.
5. BHOOMIREDDY AMARNATH REDDY, S/O NARASIMHA REDDY, MAJOR, HINDU, NO.11, 1ST MAIN, 4TH CROSS, AECS, 3RD STAGE, RMV 2ND STAGE, BANGALORE.

6. AVIREDDYGARI SHANKAR REDDY, S/O LATE A. SANJEEVA REDDY, MAJOR, HINDU, SY.NO.85, AKUTHOTAPALLI VILLAGE, VIJAYANAGAR HATCHERIES, ANANTHAPURAMU.
7. VIJAYANAGAR HATCHERIES LTD, , D.NO.9-102, A.N. REDDY STREET, ANANTHAPURAMU.
8. MALLEPALLI ADISEHA REDDY, S/O.MALLEPALLI RAMI REDDY, AGED ABOUT 70 YEARS, R/O.18-392, NEERUGANTI STREET, OLD TOWN ANANTHAPUR. IMPLEADED THE RESPONDENT NO.8 AS PER COURT ORDER DATED 18.11.2025 IN I.A.NO.2 OF 2025 IN A.S.NO.353 OF 2025.

...RESPONDENT(S):

begs to present this Memorandum of Appeal against the Order and Decree passed in E.A.No.290 of 2019 in E.P.No.52 of 2007 in M.C.No.185 of 2001 on the file of the Principal District Judge, Ananthapuramu

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 pleased to stay of all further proceedings in E.P.No.52 of 2007 in M.C.No.185 of 2001 including delivery of possession of E.P scheduled property pending disposal of present appeal and pass

IA NO: 2 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 pleased to implead the petitioner herein as Party Respondent No.8 in AS No. 353 of 2025 and in all the interlocutory applications in the ends of justice and pass

IA NO: 3 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 May be pleased to vacate the stay order granted in IA 1 of 2025 in AS 353 of 2025 dated 05-08-2025 and pass

IA NO: 1 OF 2026

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 allow the appellant to produce the photographs as additional evidence and place on record, pending disposal of the present Appeal Suit and to pass

IA NO: 2 OF 2026

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 permit me to represent Respondent no.8 in the above appeal and to appear and act on his behalf in the above appeal proceedings and pass

Counsel for the Appellant:

1. N ASWARTHA NARAYANA

Counsel for the Respondent(S):

1. N ASHWANI KUMAR
2. VIVEKANANDA VIRUPAKSHA

The Court made the following:

THE HON'BLE SRI JUSTICE D. RAMESH

&

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

I.A.No.1 of 2026

IN /AND

APPEAL SUIT No.353 of 2025

COMMON ORDER: *(Per Hon'ble Sri Justice A. Hari Haranadha Sarma)*

Introductory:

1. The claim petitioner in E.A.No.290 of 2019 in E.P.No.52 of 2007 in M.C.No.185 of 2001 on the file of the learned Principal District Judge, Ananthapuramu, filed the present appeal questioning the propriety and sustainability of the order and decretal order dated 19.03.2025 passed therein. Under the impugned order, the claim petition filed by the appellant under Order XXI Rule 58 of the CPC was dismissed.

2. Respondent No.1 is the decree holder. In M.C.No.185 of 2001 on the file of the Court of the VI Additional City Civil Judge, Bangalore City, a decree dated 12.07.2004 was granted in favour of respondent No.1/ decree holder(D.Hr.). Respondent Nos.2 to 7 are the judgment debtors (J.Drs.). The decree was granted imposing joint and several liability for an amount of Rs.5,37,30,048.80/- as on 20.09.2000 with future interest at the rate of 22.5% per annum on the footing of compound interest at quarterly rests with effect from 21.09.2000. For implementation of the decree, E.P.No.52 of 2007 was filed and recovery was sought by way of attachment and sale of the mortgaged property.

3. For the sake of convenience, the parties will be hereinafter referred to as the claim petitioner and respondents/D.Hrs/J.Drs., as per their ranking before the Executing Court viz. the Court of the Principal District Judge, Ananthapuram.

4. Respondent Nos.2 to 7 / J.Drs. remained *ex parte.* The contest was between the decree holder and the claim petitioner.

Case of the claim petitioner:

5. The claim petitioner is the absolute owner in exclusive possession of the B-schedule property. She has constructed a house bearing D.No.1-750-A in the year 2003 in the B-schedule property and she has been residing in the said house. Previously, there was a hut and the same was removed, and she has constructed the house. The property was assessed to tax by the Gram Panchayat. The claim petitioner learnt through the paper publication given by the D.Hr. that the A-schedule property, as described in the E.P., was brought for sale.

6. Respondent Nos.2 to 7 / J.Drs did not appear before the Court, as they have no title and the property does not belong to them. The claim petitioner is not aware of the borrowing of amount by respondent Nos.2 to 7 from respondent No.1 and execution of documents of mortgage over the property and also about the decree obtained by respondent No.1 against respondent Nos.2 to 7.

7. Respondent No.1 cannot claim the property nor proceed against the B-schedule property.

Case of respondent No.1/D.Hr:

8. Earlier, one Chandrakala has filed the claim petition on the ground that she had purchased the B-schedule property from one Smt. B. Tulasi under registered sale deed dated 19.04.2011 for consideration of Rs.15,02,000/- and that she was put in possession thereof. One K. Naveen Reddy and others, who are the legal heirs of K. Somi Reddy, filed a claim petition on the ground that they had also purchased the property from Tulasi and the said claim petition was dismissed.

9. There is no B-schedule property as alleged by the petitioner and in fact the A-schedule property was purchased by respondent No.5 under registered sale deed dated 19.11.1982 from one Lingutla Rangaiah and Lakshmidevamma and attestors G.K. Navarathana and G. Sanjappa attested the document. The said G. Sanjappa has filed the claim petition before the Executing Court *vide* E.A.No.18 of 2012 in E.P.No.52 of 2007 and the same was dismissed. The boundaries mentioned in the B-schedule are imaginary and there is no such property available on the ground as on the date of purchase by respondent No.5. Respondent No.5 was the owner of the property. None others had any title, right or possession. If the A-schedule and B-schedule properties are different, there is no necessity for the claim petitioner to file the claim petition. Further, the Amin visited the property, found that the boundaries mentioned in the E.P. schedule are correct and filed his report.

10. One G. Sanjappa and Navarathna have purchased the other extent available in the said survey number. Respondent No.5 alone is the owner of the property and the property is brought for sale. There is a decree against respondent No.5. The claim petition is filed as an afterthought in view of the escalation of prices, without any basis. The petitioner has no title whatsoever, there is no cause of action and the petition is liable to be dismissed.

Evidence:

11. The claim petitioner was examined as P.W.1 and one T. Chadrayudu was examined as P.W.2 on behalf of the claimant. The claimant relied on house tax receipts, house tax demand notices, payment receipts, electricity service connection demand notices, Ex.A5-certified copy of registered sale deed dated 11.12.2006, Ex.A6-house tax receipts dated 19.09.2023 and Ex.A7-certified copy of the order sheet in M.C.No.185 of 2001.

12. On behalf of the respondents / decree holder, one N. Manjunath was examined as R.W.1 and Ex.B1-sale deed copy dated 19.04.2011 executed by the claim petitioner in favour of B. Tulasi, Ex.B2-copy of sale deed dated 31.12.2011 executed by B. Tulasi in favour of Patil Ramakrishna Reddy, Ex.B3-copy of the sale deed dated 05.03.2012 executed by Patil Ramakrishna Reddy in favour of B. Nagireddy, Ex.B4-copy of the sale deed dated 13.06.2012 executed by B. Nagireddy in favour of Kona Somi Reddy, Ex.B5-GPA dated 19.02.2015 executed by the children of Somireddy in favour of Kona Vasundhara, Ex.B6-Public copy of registered rectification

deed dated 14.07.2011 executed by the claim petitioner in favour of B. Tulasi, Ex.B7-Diglot register relating to Sy.No.63 of Kakkalapalli and Ex.B8-Original registered sale deed dated 19.11.1982 were got marked.

Findings of the Executing Court:

13. The claim petitioner as P.W.1, was unable to say:

(i). Who laid the plots.

(ii). When the Survey Number was subdivided.

(iii). How much extent is in Sy.No.63-3.

(iv). She does not know who is the owner of the attached property.

(v). She is not in possession of the attached property.

(vi). She has admitted that D.Hr. attached the property of the J.Dr. in the present case and that she has not verified the record to show how J.Dr. got the E.P. schedule property.

14. P.W.1 has admitted that she sold the property to one B. Tulasi for an amount of Rs.15,02,000/- under Ex.B1 and received the sale consideration from her vendee and subsequently her vendee sold the said property to one Patil Ramakrishna Reddy on 13.12.2011 under Ex.B2. The said Patil Ramakrishna Reddy sold the property to one B. Nagireddy under Ex.B3 and B. Nagireddy sold the same to Kona Somireddy under Ex.B4 and the property was delivered by the respective vendors to the respective vendees. P.W.1 further stated that Kona Somireddy died and his legal representatives executed documents/GPA in favour of wife of the Somireddy, namely, Kona Vasundhara.

15. The evidence of P.W.2 is not of much use, as he is unable to state the Survey number. and is not aware of nature of dispute. He does not know whether the property of B. Amarnath Reddy was proclaimed by this Court in public auction and he did not know whether the property of the petitioner came for sale or not.

16. On the contrary, the evidence of R.W.1 shows that one B. Amarnath Reddy is the owner of the property. Further, E.P. Court has also observed about the claim petition filed and the steps taken, including reference of the matter to the Lok Adalat for settlement, absence of the parties, dismissal of the claim petition, its restoration for two times and again reference of the matter to Lok Adalat. Thereafter, the claim petition was again dismissed. The matter was closed and reopened on the directions of the Hon'ble High Court providing an opportunity etc. In the end, referring to the Exs.B1 to B8 documents, it was found that the claim petitioner failed to establish her right.

Arguments:

(i) For the appellant:

17(i). Sri N. Ashwathnarayana, learned Counsel for the appellant, would submit that the claim petitioner is a lady and that she is in possession of the property. The learned E.P. Court failed to properly appreciate the material and the conduct of the parties in seeking adjournments appears to have driven the Executing Court to dismiss the claim petition.

(ii). The appellant has also relied on certain photographs etc. and sought the permission of this Court to introduce them as additional evidence vide I.A.No.1 of 2026. The said application is opposed by the respondents.

18(i). The Executing Court failed to properly appreciate Exs.A1 to A7.

(ii). There is failure to appreciate the misdescription of the property.

(iii). The Executing Court ought to have considered that the attachment of the property was by collusive effort.

(iv). The long and continuous possession of the claim petitioner should have been properly considered.

(v). The description of the property is a vacant site, whereas the property claimed is different.

(ii) For the respondents:

19. Per contra, Sri N. Ashwani Kumar, learned counsel and Sri Vivekanada Virupaksha, learned counsel, appearing on behalf of the respondents/D.Hr., would submit that the claim petitioner's vendee has lost her claim petition and that there is no subsisting right even as per the own admission of the claim petitioner. Therefore, the claim petition itself is an abuse of the process of law and the litigation is speculative and deserves dismissal with heavy costs.

20. Perused the material available on record. Thoughtful consideration is given to the arguments advanced by both sides.

21. Now, the points that arise for determination in this appeal are:

1) Whether the photographs etc. filed along with I.A.No.1 of 2026 can be received as additional evidence?

2) Whether the claim petitioner / appellant is able to establish a subsisting, better and independent title than that of the title of the J.Drs. over the E.P. schedule property and whether the Executing Court has erred in dismissing the claim petition?

3) What is the result of the appeal?

Point No.1:

22. The application should have been filed under Order XLI Rule 27 CPC for introducing additional evidence, but the application is filed under Section 151 CPC. However, the application failed to satisfy the requirements under Order XLI Rule 27 CPC, viz.,

(i). Non-availability of these documents during the trial.

(ii). Improper rejection of those documents by the Trial Court.

(iii). Any other sufficient reason for receiving the documents on par with (i) and (ii).

Hence, point No.1 framed is answered against the appellant, concluding that there are no sufficient grounds to allow I.A.No.1 of 2026. Consequently, the application *vide* I.A.No.1 of 2026 is liable to be dismissed.

Point No.2:

23. Claim petitioner as P.W.1, deposed during cross-examination as follows:

> *"It is true my husband namely Ramalingaiah is an practicing advocate at Ananthapuramu from the last 35 years. I studied upto 5th class at Vepakunta village of Kanaganapalli Mandal, Sri Satya Sai District....." "My marriage was performed in the year 1993. From there onwards I am staying with my husband at Ananthapuramu....." "EX.A.5 is not filed by me before this court. The total extent of the B schedule property survey number i.e., 63 is consisting of Ac.8.4 cents. I do not know whether anybody laid plots in the said survey number or not. I do not know whether the said survey number was sub divided or not and I do not know the sub division numbers. T.Ramalingaiah is my husband. I am staying in Sy.No.63-3. I cannot say how much extent is in Sy.No.63-3. It is true neither myself nor my father has purchased the property in Sy.No.63-3 from the original owners. I do not know when the plaint B schedule property was attached by this court. I cannot say the boundaries of the attached property. I have no nexus with the attached property in this matter....." "I cannot say for the present the claim schedule property is in Ananthapuramu Municipality or not. Witness again says that for the present the claim schedule property is in Ananthapuramu Municipality for the last 15 to 20 years....." A xerox copy of the sale deed dated 19.04.2011 is confronted to the witness and admitted by her that she sold the said property to one B.Tulasi for an amount of Rs.15,02,000/-, As the witness admitted the said document it is marked as Ex.B.1. I have received the said sale consideration from my vendee. The witness adds that with a condition to resale from my vendee I sold*

the said property to the said vendee. I have not stated about the Ex.B.1 transaction or mortgaging the said property to my vendee in my claim application. It is true my vendee has sold the said property to one Patil Ramakrishna Reddy on 31.12.2011.....” “It is true the claim schedule property was sold by Patil Ramakrishna Reddy to B. Nagireddy on 05.03.2012.....” “It is true the said B. Nagireddy sold the claim schedule property to Kona Somireddy on 13.06.2012.....” “It is true all the above documents it is recited that the possession was delivered by the respective vendors to the respective vendees.....” “It is true I have executed a rectification deed in favour of my vendee namely B. Tulasi on 14.07.2011 that the boundaries mentioned in Ex.B.1 are in correct. The public copy of the said rectification deed is confronted to the witness and admitted by her and the same is marked as Ex.B.6. I have handed over the tax receipts for the claim schedule property to my vendee by the time of purchase of property by my vendee. I do not know whether the said vendee namely Tulasi filed claim application before this court earlier basing upon the said tax receipts also. I do not know whether my vendee Tulasi has executed an agreement in favour of one Rajagopal Reddy or not. There is no documentary proof with me that I have been residing in the claim B schedule property. East and West 70 feet, North and South 60 feet house is existing in B schedule property. It is true have not ted the measurements of the house located in B schedule property.....”

24. The evidence of P.W.2 is not of much significance, particularly when the same is seen in the light of the admissions during cross-examination, which are as follows:

> "*.....I do not know how many properties are petitioners property which is located near my house, but I cannot say the door number of the petitioners house. I cannot say the plinth area of the house of the petitioner I cannot say how many rooms located in the house of the petitioner. One Amanath Reddy (R.5) property is located near my house. I cannot say the survey number of the property of the Armarnath Reddy. I cannot say the survey number of the land of the petitioner and also her door number. The petitioner has not informed about the nature of the dispute in the present case. The petitioner informed me that her property was in litigation in a bank. I do not know the nature of the said dispute. I have never taken the measurements of the property of the Amarnath Reddy. There is no nexus in between the properties of petitioner so also Amarnath Reddy. I do not know whether the property of Amarnath Reddy was proclaimed by the court in a public auction. I do not know who is claiming the property of the petitioner and who is knocking away by putting the sale of the petitioners property. I do not know whether the property of petitioner came for sale or not.....*"

25. The petitioner is unable to place any documentary evidence indicating her right in respect of the property referred to in the schedule to the claim petition. Even otherwise, the claim petitioner, P.W.1, admitted that the property was sold by her to one B. Tulasi.

26. It is the specific case of the D.Hr. that the said B. Tulasi has filed the claim petition and the same was dismissed. There is no denial about the dismissal of the claim made by B. Tulasi. It is not clear to the claim petitioner, even at the stage of arguments before this Court, whether the

claim petitioner is claiming possessory title or title by virtue of some documents.

27. Respondent No.8 is the auction purchaser. He has filed an affidavit *vide* I.A.No.3 of 2025 before this Court, asserting that the claim petitions filed by one G. Sanjappa vide E.A.No.18 of 2012 and another claim petition filed by B. Tulasi E.A.No.47 of 2014 were dismissed. The said B. Tulasi has claimed title under a registered sale deed dated 19.04.2011, executed by the appellant / claim petitioner herein.

28. It is also asserted by the auction purchaser that another claim petition vide E.A.No.23 of 2019 was filed by Kona Somi Reddy, the vendee from B. Tulasi. The said claim petition was also dismissed.

29. The dismissal of three claim petitions i.e. E.A.No.18 of 2012 on 17.02.2014, E.A.No.47 of 2014 on 18.12.2007 and E.A.No.23 of 2019 on 01.04.2019 would testify the unfair, unsuccessful and continued efforts and persistence of the J.Dr. to deny, delay and defeat the execution process. Efforts like this shall not deserve any further encouragement when they are seen particularly in the light of the concerns shown by the Hon'ble Apex Court in respect of execution petitions vide:

(1) ***Rama Rameswari Devi & Others vs. Nirmala Devi & Others***[1]

(2) ***Rahul S. Shah vs. Jinendra Kumar Gandhi & Others***[2] and

(3) ***Perimal (dead) Through LRs vs. V. Rajamani and another***[3]

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[1] (2011) 8 SCC 249
[2] (2021) 6 SCC 418
[3] 2025 INSC 329; 2025 SCC OnLine SC 507

30. In view of the discussion made above, the point framed is answered against the appellant / claim petitioner, concluding that the appellant/claim petitioner failed to show any semblance of title or interest in respect of the property in question and that the dismissal of her claim by the learned Principal District Judge, Anantapuramu deserves concurrence and confirmation.

Point No.3:

31. In the result,

(i). I.A.No.1 of 2026 is dismissed.

(ii). The Appeal Suit is dismissed with costs.

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

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JUSTICE D. RAMESH

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JUSTICE A.HARI HARANADHA SARMA

Date:04.11.2026
Knr
Whether the order is:

Speaking		Reasoned	✓
Reportable		Non-reportable	✓

THE HONOURABLE SRI JUSTICE D.RAMESH

AND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

A.S.No.353 OF 2025

04.11.2026

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