



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

FRIDAY, THE 25TH DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

CIVIL REVISION PETITION NO: 1473 OF 2026

Between:

1. M/s Triplaar School of learning, Edulapalem, Rep by. Its managing partner T.V. Sambasiva Rao, Edulapalem post, Pathipadu Mandal, Guntur District-522019
2. T.V. Sambasiva Rao, S/o late Balaramaiah, Aged about 64 years R/o Sri Hemadurga Jewel County, Kesarapalli Village, Gannavaram Mandal, Krishna District, A.P-521102

...Petitioners

AND

1. M/s Kalyani Ads, Guntur Rep by its proprietor Kamatham Sambasiva Rao
2. Kamatham Sambasiva Rao, S/o late Punnaiah, aged about 66 years. Address of both respondents is D.No 6-5-67, 5/2 Arundelpet, Guntur City and District, A.P- 522002

...Respondents

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 Allow the Civil Revision Petition and Set Aside the

order and decretal order dated 30.01.2026 in E.A.No.59 of 2021 in E.P. No. 393 of 2017 passed by the Hon'ble II Addl. District Judge Court, Guntur, in the interest of justice and pass such

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 stay all further proceedings in E.P.No. 393 of 2017 on the file of the Hon'ble II Addl. District Judge Court, Guntur pending disposal of this Revision, and any other or further Orders as this Hon'ble Court deems to be fit and proper in the circumstances of the case, else we will be put to irreparable loss and hardship.

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 EXTEND the interim order dated 08.05.2026 in CRP NO 1473 OF 2026 which was extended from time to time in the above CRP, till disposal of CRP in the interest of justice and pass such other order

Counsel for the Petitioners: KUNTAMUKKALA SAI SREE SANJAY

Counsel for the Respondents: RAMA CHANDRA RAO GURRAM

The Court made the following order:

ORDER:

The petitioners herein are the J.Drs. They filed Execution Application vide E.A.No.59/2021 in E.P.No.393/2017 on the file of the learned II Additional District Judge, Guntur under section 47 of CPC and Section 151 of CPC to dismiss the execution petition and raise the attachment of execution petition schedule property. The said application has been considered and same was dismissed with the following observations:

“The present petitioners filed E.A.No.45/2021 seeking to receive their objections for the attachment effected over the execution petition schedule property and to hear on their behalf and the said petition is allowed by giving opportunity as prayed for as per orders of this Court, dated 31.01.2026. Further main execution petition is coming up for filing sale papers and E.C. In view of the orders passed in E.A.no.45/2021 the objections of petitioners will be considered after hearing both sides. In view of the facts and circumstances of the case and in view of the ratio laid down in the citations relied on by the respondents the present petition is to dismiss the execution petition, at this stage is not maintainable. If at all petitioner has got any objections to the attachment which was made absolute and to the present execution petition, the petitioners will be at liberty to raise the same during the course of enquiry in the main execution petition. Accordingly, the present petition is liable to be dismissed.”

2. Heard Sri P.Rajasekhar, learned counsel appearing for Sri K.Sai Sree Sanjay, learned counsel for the petitioners/J.Drs and Sri Gurram Ramachandra Rao, learned counsel for respondents/D.Hrs.
3. Learned counsel for the petitioners has made his submissions that though the petitioners has made their objections under Section 47 CPC, learned trial Court ought to have decided the above said objections in terms of the provisions of the Act. But surprisingly, the

said petition was dismissed giving liberty to the petitioners to raise the same during the enquiry of the main E.P. The petitioners have mainly raised an objection that as per Section 22C(1) of the Legal Services Authorities Act 2002 (Act No.37 of 2002) the Permanent Lok Adalat shall not have pecuniary jurisdiction to pass award where the value of the property in dispute exceeds rupees ten lakhs. In fact the Court has passed an award for Rs.50,00,000/- which is beyond the jurisdiction. Hence without having jurisdiction, the Lok Adalat passed the award and it is non-est in the eye of law. Therefore the award is not executable and it is liable to be dismissed. When the very objection is raised with regard to executability of the award, the trial Court ought to have decided the said objection before proceeding with the Execution Petition but surprisingly the same was dismissed with an observation that the said objections can be raised at the stage of enquiry of the main E.P., which is not permissible and contrary to law. Once the party has raised an objection with regard to maintainability and executability of the award as the same has been contrary to the provisions of the Legal Services Authority (Amendment) Act 2002, the said objection has to be decided by the Court preliminarily. Hence the order impugned is contrary to law. Accordingly requested to set aside the same.

4. To support his contentions, learned counsel has relied on the observations made by the Hon'ble Apex Court reported in between

***Vasudev Dhanjibhai Modi vs. Rajabhai Abdul Rehman and Others*¹**

wherein it is recited that:

“When a decree which is a nullity, for instance, where it is passed without bringing the legal representatives on the record of a person who was dead at the date of the decree, or against a ruling prince without a certificate, is sought to be executed an objection in that behalf may be raised in a proceeding for execution. Again, when the decree is made by a Court which has no inherent jurisdiction to make it, objection as to its validity may be raised in an execution proceeding if the objection appears on the face of the record: where the objection as to the jurisdiction of the Court to pass the decree does not appear on the face of the record and requires examination of the questions raised and decided at the trial or which could have been but have not been raised, the executing Court will have no jurisdiction to entertain an objection as to the validity of the decree even on the ground of absence of jurisdiction.”

5. As per the observations made by the Hon’ble Apex Court in the above referred paragraph, it is clear that the decree passed by the Lok Adalat is nullity in the eye of law. Hence the same can be raised by way of objection at the time of execution. Though the said objection is raised but the same has not been considered and decided. Hence the impugned orders are contrary to the above observations of the Hon’ble Apex Court.

6. Sri Gurram Ramachandra Rao, learned counsel appearing on behalf of the respondents has contended that in fact the award is of the year 2010 and Execution Petition is filed in the year 2017. In fact as per the averments made in the petition, it is clearly disclosed that the Hon’ble Court attachment is raised against the schedule property and the same is made absolute vide order dated 08.12.2020. In the said

¹ 1970(1) Supreme Court Cases 670

circumstances, without assailing the said orders, the Revision Petitioners are not entitled to file Execution Application and ask for lifting of the said attachment which is not permissible. Hence the trial Court has rightly considered and dismissed the said application giving liberty to raise said objections at the time of enquiry of main execution. He further brought to the notice of the Court that in fact the petitioners have approached the Hon'ble High Court by assailing the award of Lok Adalat dated 02.9.2010 in W.P.No.24556 of 2023. The Division Bench of this Court has considered the said petition and dismissed the same vide order dated 12.11.2024. The said orders became final. When he has participated in the Lok Adalat proceedings, he himself has signed the award, he has not precluded to go and raise an objection when there is pecuniary jurisdiction. Further though he has assailed the award on the same ground in W.P.No.24556 of 2023 and the same has been dismissed. Hence there is no valid reason to assail the very same objection again and again.

7. Considering the above submissions and on perusal of the orders passed by the coordinate Bench of this Court in W.P.No.24556 of 2023 dated 12.11.2024 and also the impugned orders, this Court is of the firm opinion that once, the petitioners have participated in the Lok Adalat and made parties to the award, now at the E.P. stage, the respondents ought not to have entitled to raise the objection. Apart

from that, as contended by the learned counsel for the respondents, once the attachment is made absolute vide order dt.08.12.2020 without assailing the said orders, the petitioners are not entitled to ask for raising of the attachment of E.P. schedule property.

8. In view of the above reasons, this Court is not inclined to interfere with the orders passed by the trial Court. The petitioners have not made out any grounds to interfere with the impugned order.

9. Accordingly, the Civil Revision Petition is dismissed. No costs.

As a sequel thereto, interlocutory applications pending, if any, shall also stand closed.

JUSTICE D.RAMESH

25.9..2026
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