IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

CIVIL REVISION PETITION No.1954 of 2025

Between:

1. MATHI VENKATA LAKSHMI, W/O .NAGA MALLESWARA RAO, AGED ABOUT 65 YEARS, R/O. PUSHADAPUVARIPALEM VILLAGE, CHERUKUPALLI MANDAL, GUNTUR DISTRICT AND ANOTHER

...PETITIONERS

AND

1. PUSHADAPU SAMBASIVA RAO, S/O. VENKATESWARLU, AGED ABOUT 47 YEARS R/O. AT PRESENT PATELNAGAR-1 OF BAPATIA, GUNTUR DISTRICT AND OTHERS

...RESPONDENT

DATE OF ORDER PRONOUNCED : **20.07.2026**

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

1. Whether Reporters of Local Newspapers may be allowed to see the order? : Yes/No

2. Whether the copy of order may be marked to Law Reporters/Journals? : Yes/No

3. Whether His Lordship wish to see the fair copy of the order? : Yes/No

JUSTICE SUBBA REDDY SATTI

*** HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

+ CIVIL REVISION PETITION No.1954 of 2025

% 20.07.2026

CIVIL REVISION PETITION No.1585 of 2023

Between:

1. MATHI VENKATA LAKSHMI, W/O .NAGA MALLESWARA RAO, AGED ABOUT 65 YEARS, R/O. PUSHADAPUVARIPALEM VILLAGE, CHERUKUPALLI MANDAL, GUNTUR DISTRICT AND ANOTHER

...PETITIONERS

AND

1. PUSHADAPU SAMBASIVA RAO, S/O. VENKATESWARLU, AGED ABOUT 47 YEARS R/O. AT PRESENT PATELNAGAR-1 OF BAPATIA, GUNTUR DISTRICT AND OTHERS

...RESPONDENT

! Counsel for Petitioner **:** Sri Sai Gangadhar Chamarty

^ Counsel for Respondent **:** Sri Ghantasala Udaya Bhasakr and Sri T. Raghu Prasad

< Gist:

> Head Note:

? Cases referred:

1) 2023 Live Law (SC) 372
2) 2025 SCC OnLine SC 975
3) 2024 SCC OnLine SC 3844
4) AIR 2021 SC 4594
5) AIR 1977 SC 2421
6) AIR 2004 SC 1373
7) 2004 (9) SCC 512
8) 2007 (5) SCC 614
9) 2022 SCC OnLine SC 2024
10) 2005 (10) SCC 51
11) (2022) 4 SCC 181
12) (2010) 1 SCC 217
13) (2001) 8 SCC 97

This Court made the following:

Date of reserved for orders : 07.07.2026
Date of pronouncement : 20.07.2026
Date of uploading : 21.07.2026

APHC010401972025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3331]**
(Special Original Jurisdiction)

MONDAY, THE 20th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 1954/2025

Between:

1. MATHI VENKATA LAKSHMI, W/O .NAGA MALLESWARA RAO, AGED ABOUT 65 YEARS, R/O. PUSHADAPUVARIPALEM VILLAGE, CHERUKUPALLI MANDAL, GUNTUR DISTRICT.
2. MATHI SRIHARI, W/O. LAKSHMI NARAYANA, AGED ABOUT 63 YEARS R/O. PUSHADAPUVARIPALEM VILLAGE, CHERUKUPALLI MANDAL, GUNTUR DISTRICT.

...PETITIONER(S)

AND

1. PUSHADAPU SAMBASIVA RAO, S/O. VENKATESWARLU, AGED ABOUT 47 YEARS R/O. AT PRESENT PATELNAGAR-1 OF BAPATIA, GUNTUR DISTRICT.
2. PUSHADAPU SEETHA RAVAMMA, W/O. LATE TATAIAH, AGED ABOUT 80 YEARS, R/O. ATCHUTHAPURAM, NIZAMPATNAM MANDAL, GUNTUR DISTRICT.
3. NALLAPTI VIJAYA LAKSHMI, W/O. VENKAIAH, AGED ABOUT 60 YEARS, R/0. KUCHINAPUDI VILLAGE, NIZAMPATNAM MANDAL, GUNTUR DISTRICT.

4. PUSHADAPU RAMA RAO, S/O. LATE TATAIAH, AGED ABOUT 58 YEARS, R/O. ATCHUTHAPURAM, NIZAMPATNAM MANDAL, GUNTUR DISTRICT.

5. PUSHADAPU KRISHNA MURTHY, S/O. LATE TATAIAH, AGED ABOUT 55 YEARS, R/O. TADAVARTHI BAPAIAH HIGH SCHOOL, DHULIPUDI, NAGARAM MANDAL, GUNTUR DISTRICT.

6. PUSHADAPU BHASKARA RAO, S/O. LATE TATAIAH, AGED ABOUT 45 YEARS R/O. PUSHADAPUVARIPALEM VILLAGE, CHERUKUPALLI MANDAL, GUNTUR DISTRICT.

7. PUSHADAPU SEETHA MAHA LAKSHMI SEETHAMMA, W/O. LATE SUBRAMANYAM, AGED ABOUT 78 YEARS, R/O. PUSHADAPUVARIPALEM VILLAGE, CHERUKUPALLI MANDAL, GUNTUR DISTRICT.

8. TADIVAKA ARUNA KUMARI, W/O. LAKSHMI NARAYANA, AGED ABOUT 49 YEARS R/O.CHERUKUPALLI VILLAGE, CHERUKUPALLI MANDAL GUNTUR DISTRICT.

9. IMMADISETTI BHAGYA LAKSHMI, W/O. SRINIVASA RAO, AGED ABOUT 46 YEARS, R/O. CHERUKUPALLI VILLAGE, CHERUKUPALLI MANDAL, GUNTUR DISTRICT.

...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 toBeg to present the above Revision Petition in this Honble Court aggrieved by the decree and Order dated 08-07-2025 in I.A. No.58 of 2025 in O.S.No. 14 of 2014 on the file of the Court of the Civil Judge (Senior Division) Repalle at Guntur District,

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 grant stay of all further proceedings in O.S.No.14 of 2014 on the file of the Court of the Civil Judge (Senior Division) Repalle at Guntur District, pending disposal of the above Revision Petition in this Hon'ble Court and to pass

Counsel for the Petitioner(S):

1. SAI GANGADHAR CHAMARTY

Counsel for the Respondent(S):

1. GHANTASALA UDAYA BHASKAR
2. T RAGHU PRASAD

The Court made the following:

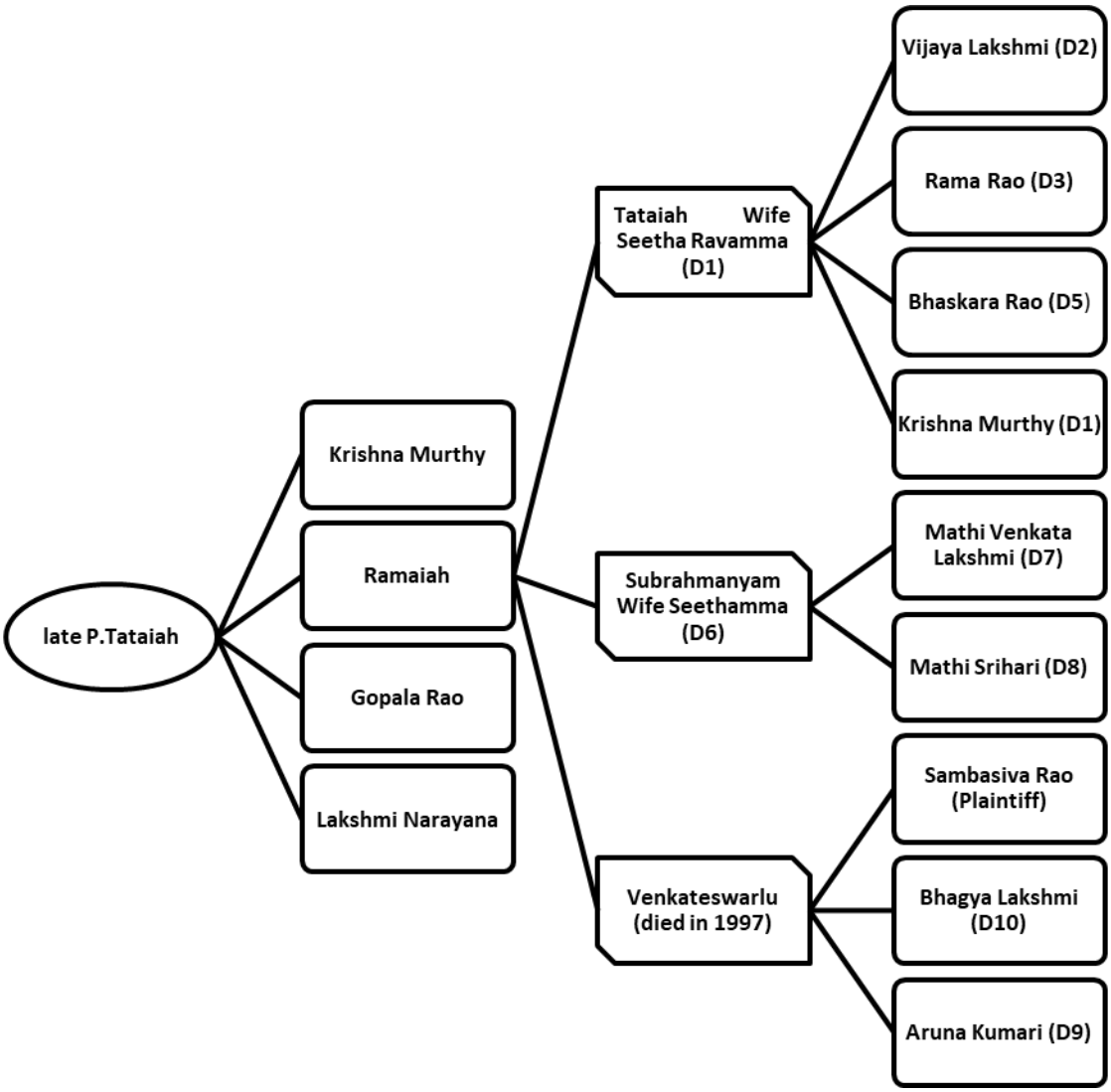
ORDER

The defendants 7 and 8 in the suit filed the above revision against the order dated 08.07.2025 in I.A.No.58 of 2025 in O.S.No.14 of 2014 on the file of the Civil Judge (Senior Division), Repalle.

2. The parties to this revision are referred to as per their array in the suit.

3. The plaintiff filed the suit O.S.No.14 of 2014 on the file of the Civil Judge (Senior Division), Repalle, against 10 defendants, seeking partition of the plaint schedule properties.

4. For a better understanding of pleadings, it is necessary to draw a genealogy of the parties.



5. (a) In the plaint, it was pleaded that the sons of late P. Tataiah jointly purchased Ac.1.53 cents of dry land in D.No.191/1 of Nagaram village under a registered document No.971 of 1924 dated 25.11.1924. The said Ramaiah and his 3 brothers partitioned their properties, and in the partition, Ramaiah got Ac.0.38¾ cents towards his share. The said Ramaiah was blessed with 3 sons, namely, Tataiah, Subrahmanyam and Venkateswarlu.

- The defendants 1 to 5 belonged to the branch of Tataiah;
- The defendants 6 to 8 belonged to the branch of Subrahmanyam, and

- The plaintiff, defendants 9 and 10, belonged to the branch of Venkateswarlu;

(b) In Paragraph-5 of the plaint, it was pleaded that in an oral partition among Tataiah, Subrahmanyam and Venkateswarlu, all three brothers got Ac.0.12 ¾ cents each. The defendants 9 and 10 relinquished their share to the plaintiff by receiving cash, and hence, the plaintiff has been in possession and enjoyment of Ac.0.12 ¾ cents. The revenue authorities updated the records of rights and issued a pattadar passbook and title deed. The plaintiff also erected a single-pole thatched house in his share.

(c) The plaintiff filed suit O.S.No.251 of 1997 on the file of the Principal Junior Civil Judge, Repalle, for declaration and permanent injunction and the same was withdrawn, as the plaintiff filed suit O.S.No.264 of 1998 on the file of the Principal Junior Civil Judge, Repalle. The 6th defendant filed suit O.S.No.145 of 1997 on the file of the Senior Civil Judge, Tenali, against the plaintiff, seeking a declaration and permanent injunction. The plaintiff also filed suit O.S.No.367 of 2000 on the file of the Principal Junior Civil Judge, Repalle, for recovery of damages.

(d) Suits O.S.No.264 of 1998 and O.S.No.367 of 2000 were transferred to the Court of Senior Civil Judge, Tenali and renumbered as O.S.No.93 of 2001 and O.S.No.53 of 2003, respectively. The Senior Civil Judge, Tenali, dismissed all the suits, and the said judgments became final.

(e) The defendants 6 to 8 filed suit O.S.No.168 of 2008 on the file of the Senior Civil Judge, Tenali, for declaration and permanent injunction against the plaintiff and defendants 1 to 5. The said suit was dismissed on the merits.

(f) The Court, while dismissing the suits referred to supra, did not consider the pleadings of the respective parties regarding partition of the plaint

schedule property and further observed that it is safe for the parties to go for partition by metes and bounds.

(g) Even though the plaintiff pleaded in the earlier suits that the property was partitioned orally, neither the plaintiffs nor the defendants in the earlier litigation could establish the said oral partition. After the dismissal of suits O.S.Nos.145 of 1997 and 168 of 2008, the plaintiff orally demanded the defendants 1 to 8 for partition; however, the same did not fructify. Hence, the suit was filed seeking partition.

6. The defendants 1 to 4 filed a written statement. The defendants 6 to 8 filed a separate written statement. The defendants 7 and 8 filed an additional written statement.

7. The trial in the suit was commenced, and the evidence of the plaintiff was closed in the year 2017, and the suit is coming up for evidence of the defendants.

8. The defendants 7 and 8 filed I.A.No.58 of 2025 under Order VII Rule 11 r/w Section 151 of CPC to reject the plaint, contending that as per the pleadings in the plaint, the schedule property was orally partitioned and hence, the suit filed for partition cannot be maintained. There is no cause of action to file the suit and eventually prayed to reject the plaint.

9. The plaintiff filed a counter and opposed the application. The defendants 2 to 5 filed a separate counter.

10. The trial court, by order dated 08.07.2025, dismissed the application.

11. Heard Sri Sai Gangadhar Chamarty, learned counsel for the petitioners, Sri Ghantasala Udaya Bhaskar, learned counsel for the 1st respondent and Sri T.Raghu Prasad, learned counsel for the respondents 2 to 6.

12. Learned counsel for the petitioner would contend that there is no cause of action to file the present suit seeking partition. He would further submit that the plaintiff herself pleaded in the earlier litigation about oral partition, and hence, the suit filed seeking partition cannot be maintained. Learned counsel relied on the judgment of the Hon'ble Apex Court in **Ramisetty Venkatanna and another Vs. Nasyam Jamal Saheb and others**[1].

13. Learned counsel for the 1st respondent supported the order of the trial Court.

14. Now, the points for consideration are:

Whether the order dated 08.07.2025 in I.A.No.58 of 2025 in O.S.No.14 of 2014 on the file of the Civil Judge (Senior Division), Repalle, suffers from any illegality, warranting interference?

Whether the suit O.S.No. 14 of 2014 on the file of Civil Judge (Senior Division) Repalle, needs to be rejected as per Order VII Rule 11 CPC.

15. Before delving into the legal aspects, let this Court first examine the scope and ambit of the application filed under Order VII Rule 11 of CPC.

16. It is a well-settled proposition of law that rejection of the plaint under Order VII Rule 11 of CPC is a drastic power available to the Court at the threshold, and therefore, the Court, while considering the said application, shall go by the averments in the plaint alone. The claim of the plaintiff concerning knowledge of the essential facts giving rise to the cause of action needs to be accepted as correct. The stand of the defendant in the written statement is wholly immaterial. If the plaint ex facie does not disclose a cause of action, or a plain reading of the plaint reveals that the relief is barred by

[1] 2023 Live Law (SC) 372

limitation, then only the plaint can be rejected. When the foundation of facts as pleaded attracts the bar of limitation, no trial is warranted. Even a clear drafting of the plaint, in certain circumstances, warrants rejection.

17. In **P.Kumarakurubaran Vs. P.Narayanan and Others**[2], the Hon'ble Apex Court held that when the foundational facts, as pleaded, squarely attract the bar of limitation, no trial is warranted, and the suit is liable to be dismissed at the threshold.

18. In **Shri Mukund Bhavan Trust and Others Vs. Shrimant Chhatrapati Udayan Raje Pratapsinh Maharaj Bhonsle and Another**[3], the Hon'ble Apex Court held that the spirit and intention of Order VII Rule 11(d) of CPC is only for the Courts to nip it in the bud when any litigation *ex facie* appears to be a clear abuse of process.

19. In **Rajendra Bajoria Vs. Hemant Kumar Jalan and others**[4], the plaintiffs therein filed C.S.No.79 of 2017 seeking different reliefs, including dissolution of the firm and rendition of accounts etc. The defendants therein filed two interlocutory applications seeking dismissal of the suit or, in the alternative, to reject the plaint on the ground that the plaint does not disclose any cause of action and the relief as claimed in the plaint could not be granted. The defendants also pleaded that the suit filed by the plaintiffs is beyond the period of limitation. Learned Single Judge dismissed the interlocutory applications with certain observations. The defendants filed appeals before the Division Bench. The Division Bench allowed the appeals and rejected the plaint. Aggrieved by the same, appeals were filed before the Hon'ble Apex Court, and they were dismissed.

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[2] 2025 SCC OnLine SC 975
[3] 2024 SCC OnLine SC 3844
[4] AIR 2021 SC 4594

20. The Hon'ble Apex Court, by referring to the decisions in **T.Arivandandam Vs. T.V. Satyapal and another**[5] and **Pearlite Liners (P) Ltd. Vs. Manorama Sirsi**[6], observed at paras 15 and 17 that a reading of the averments made in the plaint should not only be formal but also meaningful. If a clever drafting has created the illusion of a cause of action, and meaningful reading thereof would show that the pleadings are manifestly vexatious and meritless, in the sense of not disclosing a clear right to sue, then the Court should exercise its power under Order VII Rule 11 of C.P.C. The Court must find out as to whether, in the background of the facts, the relief, as prayed in the plaint, can be granted to the plaintiff. If the Court finds that none of the reliefs claimed in the suit can be granted under the law, the question then arises as to whether such a suit is to be allowed to continue and go for trial. Such a suit should be thrown out at the threshold.

21. Thus, a conspectus of the authorities referred to supra, in a given case, if the plaint does not disclose a cause of action or if the relief claimed cannot be granted, or if the plaint is clearly drafted to create a illusive cause of action etc., definitely a plaint can be rejected.

22. It is also an established principle of law that while considering an application under Order VII Rule 11 CPC, the averments in the plaint alone need to be considered. If the plaint discloses a cause of action, it cannot be rejected.

23. In **Liverpool & London S.P. & I Asson. Ltd. vs. M.V. Sea Success I & Ors**[7]. the Hon'ble Apex Court held as under:

> *"139. Whether plaint discloses cause of action or not is essentially a question of fact, but whether it does or does not must be found out from the reading of the plaint itself. For the said purpose, the averments made in the plaint in their entirety must be held to be correct. The test is as to whether if the*

[5] AIR 1977 SC 2421
[6] AIR 2004 SC 1373
[7] 2004 (9) SCC 512

averments made in the plaint are taken to be correct in entirety a decree would be passed."

24. In **Hardesh Ores Pvt. Ltd vs M/S. Hede And Company**[8], the Hon'ble Apex Court held as under:

"25. …It is not permissible to cull out a sentence or a passage and to read it out of the context in isolation. Although it is the substance and not merely the form that has to be looked into, the pleading has to be construed as it stands without addition or subtraction of words or change of its apparent grammatical sense."

25. In **HS Deekshit vs Metropoli Overseas Limited**[9], the Hon'ble Apex Court held as under:

"5. It is well-settled that while considering an application under Order 7 Rule 11 of the Code, the averments in the plaint alone are to be examined and no other extraneous factor can be taken into consideration."

What Constitutes a Cause of Action

26. Now, let this court consider what a cause of action is. The phrase 'cause of action' is not defined in the Civil Procedure Code, 1908, but it is of wide importance. It has different meanings in different contexts i.e. when used in the context of territorial jurisdiction, limitation or accrual of right to suit. Generally, it is described as a bundle of facts, which, if proved or admitted, entitles the plaintiff to the relief prayed for.

27. It is also settled law that a cause of action consists of a bundle of facts that give cause to enforce the legal inquiry to redress in a Court of Law. A bundle of facts, when taken with the law applicable to them, gives the right to the affected party to claim relief against the opponent.

28. In Black's Law Dictionary, a cause of action is stated as the entire set of facts that gives rise to an enforceable claim. The phrase comprises every fact that, if traversed, the plaintiff must prove to obtain judgment.

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[8] 2007 (5) SCC 614
[9] 2022 SCC OnLine SC 2024

29. In **Halsbury's Laws of England**, it has been stated as follows:

> *"Cause of action' has been defined as meaning simply a factual situation, the existence of which entitles one person to obtain from the court a remedy against another person. The phrase has been held from the earliest time to include every fact which is material to be proved to entitle the plaintiff to succeed, and every fact which a defendant would have a right to traverse. Cause of action' has also been taken to mean that a particular act on the part of the defendant which gives the plaintiff his cause of complaint, or the subject matter of grievance founding the action, not merely the technical cause of action."*

30. In **Swamy Atmananda & Ors vs Sri Ramakrishna Tapovanam & Ors.[10],** the Hon'ble Apex Court held as under:

> *"A cause of action, thus, means every fact which, if traversed, it would be necessary for the plaintiff to prove in order to support his right to a judgment of the Court. In other words, it is a bundle of facts which taken with the law applicable to them gives the plaintiff a right to relief against the defendant. It must include some act done by the defendant since in the absence of such an act no cause of action can possibly accrue. It is not limited to the actual infringement of the right sued on but includes all the material facts on which it is founded."*

31. In the case at hand, as observed *supra*, on a reading of the entire plaint, the plaintiff did not hide any fact concerning earlier litigation. In fact, the plaintiff, in so many words, pleaded about an earlier oral partition and failed to establish the same, as per the verdict in the earlier litigation, by either of the parties. It is not a clever drafting of a plaint or creating an illusory cause of action to litigate again. In fact, it was stated that after the suits, the first round of litigation, the plaintiff asked for a partition; however, the defendants did not cooperate. In fact, it was pleaded in the plaint that since all the suits were dismissed and the Court disbelieved the earlier oral partition, the suit was filed seeking partition.

32. One should not be oblivious of the difference between a 'fact' and a 'fact in issue'. A question of 'fact' is different from the 'fact in issue'. A fact in issue, which is the principal dispute, needs to be culled out to decide the application

[10] 2005 (10) SCC 51

under Order VII Rule 11 CPC within the framework as enunciated in the clauses. Every Court adjudicates the fact in issue while taking into consideration the totality of the facts.

Scope of the Jurisdiction under Art 227 of the Constitution of India.

33. The trial court considered all these aspects and dismissed the interlocutory application. Once the trial court has exercised the jurisdiction vested in it and passed a reasoned order, unless the order smacks of illegality or perversity, while exercising the supervisory jurisdiction under Art 227 of the Constitution of India, normally, this court will not interfere. This court will not substitute its opinion, acting like an appellate court. Article 227 of the Constitution of India confers on this court the power of superintendence over all subordinate Courts and Tribunals. The power of superintendence conferred upon the High Court by Article 227 is not confined to administrative superintendence only but includes the power of judicial review. This Court has to see that the Courts shall not exceed the power that is vested in it or exercise power based on extraneous material to pass any order, and shall keep the subordinate courts within their bounds of jurisdiction.

34. **In *Garment Craft v. Prakash Chand Goel*,**[11] the Hon'ble Apex Court considered the scope of the jurisdiction under Art 227 of the Constitution of India and observed that the High Court exercising supervisory jurisdiction does not act as a court of first appeal to reappreciate or 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 conclusions for that of the inferior court or tribunal.

[11] (2022) 4 SCC 181

35. The Hon'ble Apex Court considered ***Celina Coelho Pereira* v. *Ulhas Mahabaleshwar Kholkar*[12], *Estralla Rubber* v. *Dass Estate (P) Ltd.*[13],** in the aforementioned judgment.

36. Given the discussion supra, the order under revision brooks no interference while exercising the jurisdiction under Art 227 of the Constitution of India. The trial court appreciated all the contentions and passed a reasoned order. There are no merits in the revision. The revision is liable to be dismissed.

37. Accordingly, this Civil Revision Petition is Dismissed. No costs.

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

JUSTICE SUBBA REDDY SATTI

PVD

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

[12] (2010) 1 SCC 217
[13] (2001) 8 SCC 97