IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

HON'BLE SRI JUSTICE NYAPATHY VIJAY

I.A.No.1 of 2022
in/and
CIVIL REVISION PETITION No.1114 of 2021

Petition under Article 227 of the Constitution of India, against the Docket Order in O.S.SR.No.1542 of 2016, dated 2-8-2016 on the file of the Court of the IX Additional District Judge, Kovvuru, West Godavari District.

Between:

Uppuluri Brahmanna, S/o.Late Venkata Ratnam, Aged 70 years, R/o. D.No. 3-116, Opp. Police Station, Samisragudem, Nidadavole Mandal, West Godavari District.

...Petitioner

AND

1. Sankurthi Sriramulu, S/o. Veera Swamy, aged About 71 years, Business, R/o. D.No.5-75, Kanuru, Tanuku Mandal, West Godavari District.
2. Jagathi Venkatarayudu, S/o. Late Thimmaraju, aged About 56 years, R/o. D.No. 1-15-4, Purushothapalli Village, Nidadavole Mandal, West Godavari District.
3. Jagathi Nehru, S/o. Late Thimmaraju, aged About 51 years, R/o. D.No. 1-15-4, Purushothapalli Village, Nidadavolu Mandal, West Godavari District.

4. Jagathi Vishnu Bhanu Prasad, S/o. Late Thimmaraju, Aged 44 years, R/o. D.No. 1-15-4, Purushothapalli Village, Nidadavolu Mandal, West Godavari District.

5. Pedapudi Venkataramana, W/o. Late Satyanarayana, Aged 56 years, R/o. D.No. 1-15-4, Purushothapalli Village, Nidadavole Mandal, West Godavari District.

6. Kadimi Satyavathi, W/o. Suryanarayana, Aged 56 years, R/o. D.No. 1-15-4, Purushothapalli Village, Nidadavole Mandal, West Godavari District.

7. Jagathi Seetharatnam, W/o .Thimmaraju, Aged 81 years, R/o. D.No. 1-15-4, Purushothapalli Village, Nidadavole Mandal, West Godavari District.

8. Jagathi Nagamani, W/o. Late Seshagiri, aged 56 years, R/o. D.No. 1-15-4, Purushothapalli Village, Nidadavole Mandal, West Godavari District.

9. Jagathi Vara Lakshmi, D/o. Late Seshagiri, aged 31 years, R/o. D.No. 1-15-4, Purushothapalli Village, Nidadavole Mandal, West Godavari District.

10. Jagathi Lavanya, D/o. Late Seshagiri, aged 29 years, R/o. D.No. 1-15-4, Purushothapalli Village, Nidadavole Mandal, West Godavari District.

...Respondents

IA NO: 2 OF 2021

Petition under Order 39, Rule 1 and 2 R/w 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 injunction, restraining the respondents 1 to 10 not to alienate the land in Sy.No.57/3-A to an extent of Ac. 2.25 cents situated at Dhaonam Raju, Muppavaram Village, Nidadavolu Mandal, West Godavari District, pending disposal of the C.R. P.

IA NO: 1 OF 2022

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 leave to convert the C.R.P.No.1114 of 2021 filed Under Section 115 of C.P.C. to the Appeal Suit under Section 96 of C.P.C., pending disposal of the C.R.P.

Counsel for the Petitioner : Sri Devi Prasad Mangalapurl

Counsel for Respondent No.1 : Sri M R S Srinivas

Counsel for Respondent Nos.2 to 10: None Appeared

The Court made the following :ORDER

APHC011360142018

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3460]
(Special Original Jurisdiction)

THURSDAY ,THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

I.A.No.1 of 2022

IN/AND

CIVIL REVISION PETITION NO: 1114 of 2021

Between:

Uppuluri Brahmanna ...**PETITIONER**

AND

Sankurthi Sriramulu and Others ...**RESPONDENT(S)**

Counsel for the Petitioner:

1. DEVI PRASAD MANGALAPURI

Counsel for the Respondent(S):

1. M R S SRINIVAS

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

I.A.No.1 of 2022

IN/AND

CIVIL REVISION PETITION NO: 1114 of 2021

COMMON ORDER:

The present Civil Revision Petition is filed questioning the return of plaint dated 02.08.2016 under Article 227 of Constitution of India.

2. An application was filed in I.A.No.1 of 2022 by the learned counsel for the petitioner seeking to grant leave to convert the C.R.P. to an appeal under Section 96 C.P.C. as the appeal alone can be maintained and that the revision was filed on incorrect understanding of law.

3. Heard Sri M.Devi Prasad, learned counsel for the revision petitioner and Sri M.R.S.Srinivas, learned counsel for respondents.

4. For the reasons mentioned in the affidavit filed in support of the application, I.A.No.1 of 2022 is allowed permitting the petitioner to convert the C.R.P. into regular First Appeal under Section 96 C.P.C. However, the impugned order is dated 02.08.2016 and the present C.R.P. was filed on 12.10.2021. Though there is no limitation for filing the C.R.P. under Article 227 of Constitution of India, there is a limitation prescribed for filing the appeal under

Section 96 of C.P.C. Therefore, the petitioner shall file appropriate application explaining the delay in filing the appeal, especially for the period from 02.08.2016 to 12.10.2021 and only upon filing the affidavit explaining delay in filing the appeal, the appeal will be processed by the Registry. With the above observations, permission is accorded.

5. Accordingly, the Civil Revision Petition is disposed of and I.A.No.1 of 2022 is allowed. No order as to costs. As a sequel thereto, the miscellaneous petitions, if any, pending in this Petition shall stand closed.

Sd/-SHAIK MOHD RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The IX Additional District Judge, Kovvuru, West Godavari District.
2. One CC to Sri Devi Prasad Mangalapuri, Advocate [OPUC]
3. One CC to Sri M R S Srinivas, Advocate [OPUC]
4. The Section Officer, VR Section, High Court of Andhra Pradesh.
5. **Three CD Copies**

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HIGH COURT

TK

DATED:26/12/2024

ORDER

I.A.No.1 of 2022 in/and CRP.No.1114 of 2021



ALLOWING THE I.A.No.1 of 2022 AND
DISPOSING OF THE CIVIL REVISION PETITION