IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY ,THE SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

CIVIL REVISION PETITION NOS: 117 & 119 OF 2025 AND 2984 of 2024

CIVIL REVISION PETITION NO: 117 of 2025

Petition under Article 227 of the Constitution of India, aggrieved by the Order dt. 02.12.2024 passed in I.A. No. 460 of 2024 in O.S. No.214 of 2006 on the file of the court of Learned IX Additional District Judge (Fast Track Court), Chodavaram.

Between:

Illapu Pentayya, S/o Musali Naidu, Aged 54 years, R/o. Desapatrunipalem Village, Kothavalasa Mandal, Vizianagaram District.

...Petitioner/Petitioner/7th Defendant

AND

1. Nagisetty Bangarunaidu (Died),
2. Nagisetty Sanjeeva Rao, S/o Late Nagisetty Pothu Raju, Occ. Advocate, R/o. Visalakshi Nagar, Visakhapatnam District.

...Respondents/Respondents/Plaintiffs 1 & 2

3. Nagisetty PothuRaju (Died),

4. K. Ramamurthy, S/o. Venkunaidu, Aged 70 years, R/o Devarapalli Village and Mandal, Anakapalli District, Erstwhile Visakhapatnam District.

5. K. Chinna Yerrinaidu, S/o. Tata, Aged 58 years, R/o Devarapalli Village and Mandal, Anakapalli District, Erstwhile Visakhapatnam District.

6. Bandi Prasoona, W/o. N.S.V. Kesava Rao, R/o Seetammadhara, Visakhapatnam City, Visakhapatnam District.

7. N.S.V. Kesava Rao, S/o Late Nagisetty Pothu Raju, Aged 56 years, Occ. Lecturer, Govt. Junior College, R/o Seetammadhara, Visakhapatnam City, Visakhapatnam District.

8. Peddada Venkata Ramana, S/o Yeruku Naidu, Aged 50 years, R/o Devarapalli Village and Mandal, Anakapalli District, Erstwhile Visakhapatnam District.

9. Nagisetti Appalanarasamma (Died),

10. Gokeda Kasulamma, W/o. Apparao, Aged 60 years, R/o Plot No. 61, Visalakshi Nagar, Visakhapatnam City Visakhapatnam District.

11. Ponthapalli Adilakshmi, W/o. Late Surya Narayana Aged 57 years, R/o. Marrivalasa Village, K.Kotapadu Mandal, Visakhapatnam.

12. Galla Paremaswari @ Kumari, W/o. G.P.Y. Naidu, Aged 54 years, R/o. Banadi Village, Vepada Mandal, Visakhapatnam District.

13. Thummaganti Shyamala, W/o. Satyanarayana, Aged 52 years, R/o. Lakkavaram Village, Chodavaram Mandal, Anakapalli District, Erstwhile Visakhapatnam District

14. Mycherla Ramalakhmi, W/o Nanaji, Aged 46 years, R/o. A.V. Agraharam Village, Cheedikada Mandal, Anakapalli District, Erstwhile Visakhapatnam District.

15. Nunnaguppala Padmavati, W/o Sarvadevullu. Aged 44 years, R/o. Kottam Village, S.Kota Mandal, Vizianagaram District.

16. Ellapu Satyavati, W/o. Pentayya, Aged 53 years, R/o. Desapatrunipalem, Kothavalasa Mandal, Vizianagaram District.

17. Nagisetty Varahalakshmi Narasinga Rao, S/o. Late Pothuraju, Aged 50 years, Occ. Private Employee, R/o. G2, Block-1, Radha Madhav Enclave, Miyapur, Hyderabad - 50.

18. Nagisetti Ramdev, S/o. Late Pothuraju, Aged 47 years, R/o Gayatri Hospital Main Road, Chodavaram Village and Mandal, Anakapalli District, Erstwhile Visakhapatnam District.

19. Bondala Rajeswari, W/o. Venugopala Rao, Aged 44 years, C/o. Nagisetti Varahalakshmi Narasinga Rao, R/o. G2, Block-1, Radha Madhav Enclave, Miyapur, Hyderabad - 50.

...Respondents/Respondents/
Defendants 1 to 6 & 8 to 18

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 to grant stay of all further proceedings in O.S. No. 214 of 2006 on the file of the Court of Learned IX Addl. District Judge [Fast Track Court], Chodavaram, pending disposal of the main CRP.

Counsel for the Petitioner: SMT. NIMMAGADDA REVATHI

Counsel for the Respondent No.2: SRI. M. MURALI LINCOLN

CIVIL REVISION PETITION NO: 119 OF 2025

Petition under Article 227 of the Constitution of India, aggrieved by the Order dated 02.12.2024 passed in I.A.NO.461 of 2024 in O.S. No. 214 of 2006 on the file of the Court of Learned IX Addl. District Judge (Fast Track Court) Chodavaram.

Between:

Illapu Pentayya, S/o Musali Naidu, Aged 54 years, R/o. Desapatrunipalem Village, Kothavalasa Mandal, Vizianagaram District.

...Petitioner/Petitioner/7th Defendant

AND

1. Nagisetty Bangaru Naidu (Died)
2. Nagisetty Sanjeeva Rao, S/o Late Nagisetty Pothu Raju, Occ Advocate, R/o. Visalakshi Nagar, Visakhapatnam District.

...Respondents/Respondents/Plaintiffs 1 & 2

3. K. Ramamurthy, S/o. Venkunaidu, Aged 70 years, R/o Devarapalli Village and Mandal, Anakapalli District, Erstwhile Visakhapatnam District.
4. K. Chinna Yerrinaidu, S/o. Tata, Aged 58 years, R/o Devarapalli Village and Mandal, Anakapalli District, Erstwhile Visakhapatnam District.
5. Bandi Prasuna, W/o. N.S.V. Kesava Rao, R/o Seetammadhara, Visakhapatnam City Visakhapatnam District.
6. Peddada Venkata Ramana, S/o. Yeruku Naidu, aged 50 years, R/o. Devarapalli Village and Mandal, Anakapalli District, Erstwhile Visakhapatnam District.

7. N.S.V. Kesava Rao, S/o Late Nagisetty Pothu Raju, Aged 56 years, Occ Lecturer, Govt. Junior College, R/o Seetammadhara, Visakhapatnam City, Visakhapatnam District.

8. Nagisetti Appalanarasamma, (Died)

9. Gokeda Kasulamma, W/o. Apparao, Aged 60 years, R/o Viluparthi Village, Vepada Mandal, Visakhapatnam city, Visakhapatnam district.

10. Ponthapalli Adilakshmi, W/o. Late Surya Narayana Aged 57 years, R/o. Marrivalasa Village, K.Kotapadu Mandal, Anakapalli District, Erstwhile Visakhapatnam District.

11. Galla Paremaswari @ Kumari, W/o. G.P.Y. Naidu, Aged 54 years, R/o. Banadi Village, Vepada Mandal, Visakhapatnam District.

12. Thummaganti Shyamala, W/o. Satyanarayana, Aged 52 years, R/o. Lakkavaram Village, Chodavaram Mandal, Anakapalli District, Erstwhile Visakhapatnam District.

13. Mycherla Ramalakhmi, W/o Nanaji, Aged 46 years, R/o. A.V. Agraharam Village Cheedikada Mandal, Anakapalli District, Erstwhile Visakhapatnam District.

14. Nunnaguppala Padmavati, W/o Sarvadevullu, Aged 44 years, R/o. Kottam Village, S.Kota Mandal, Vizianagaram District, Presently Residing at APSWR School, Tallapalem, Visakhaptnam District.

15. Ellapu Satyavati, W/o. Pentayya, Aged 53 years, R/o. Desapatrunipalem, Kothavalasa Mandal, Vizianagaram District.

16. Nagisetty Varahalakshmi Narasinga Rao, S/o. Late Pothuraju, Aged 50 years, Occ Private Employee, R/o. G2, Block-1, Radha Madhav Enclave, Miyapur, Hyderabad - 50.

17. Nagisetti Ramdev, S/o. Late Pothuraju, Aged 47 years, R/o Gayatri Hospital Main Road, Chodavaram Village and Mandal, Anakapalli District, Erstwhile Visakhapatnam District.

18. Bondala Rajeswari, W/o. Venugopala Rao, Aged 44 years, R/o. G2, Block-I, Radha Madhav Enclave, Miyapur, Hyderabad - 50.

...Respondents/Respondents/
Defendants 1 to 6 & 8 to 18

Counsel for the Petitioner: SMT. NIMMAGADDA REVATHI

Counsel for the Respondent No.2: SRI. M. MURALI LINCOLN

CIVIL REVISION PETITION NO: 2984 OF 2024

Petition under Article 227 of the Constitution of India, aggrieved by the Order dated 19.11.2018 passed in I.A.NO.422 of 2024 in O.S. No. 214 of 2006 on the file of the Court of Learned IX Addl. District Judge (Fast Track Court) Chodavaram.

Between:

N.S.V. Kesava Rao, S/o Pothuraju, Aged 49 years, Occ Lecturer in Govt. Junior College R/o Flat No.205, Sita Apartment, Bhanu Nagar, H.B. Colony, Seethammapeta, Visakhapatnam.

...Petitioner/Petitioner/5th Defendant

AND

1. Nagisetty Bangarunaidu (Died)

2. N. Sanjeeva Rao, S/o Pothu Raju, Advocate, R/o. Raiwada Village, Devarapalli Mandal, Visakhapatnam.

3. Nagisetty PothuRaju, (Died)

4. Kilaparthy Ramamurthy, S/o Venkunaidu, Aged 62 years, R/o Devarapalli Village and Mandal, Visakhapatnam District.

5. Koluporu Chinna Yerrinaidu, S/o Thatha, Aged 54 years, R/o Devarapalli Village nad Mandal, Visakhapatnam District.

6. Bandi Prasuna, W/o N.S.V. Kesava Rao, Aged 47 years, R/o Flat No.205, Sita Apartment, Bhanu Nagar, H.B. Colony, Seethammapeta, Visakhapatnam.

7. Pedda Venkata Ramana, S/o Yeruku Naidu, Aged about 48 years, R/o Devarapalli Village and Mandal Visakhapatnam.

8. Illapu Pentayya, S/o Musali Naidu, Aged 50 years, R/o Desapatrunivanipalem Kothavalasa (M), Vizianagaram District.

9. Nagisetti Appalanarasamma, (Died)

10. Gokeda Kasulamma, W/o Apparao, Aged 54 years, R/o Plot No. 61, Visalakshi Nagar, Visakhapatnam.

11. Ponthapalli Adilakshmi, W/o Late Surya Narayana, Aged 51 years, R/o Door No.49 -5-2, Lalitha Nagar, Akkayyapalem, Visakhapatnam.

12. Galla Paremaswari, W/o G.P.Y. Naidu, Aged 54 years, R/o Banadi Village, Vepada Mandal Visakhapatnam District.

13. Thumaganti Syamala, W/o Satyanarayana, Aged 44 years, R/o Lakkavaram Village, Chodavaram Mandal, Visakhapatnam District.

14. M. Ramalakhmi, W/o Nanaji, Aged 40 years, R/o Adivilaagraharam, Cheedikada Mandal, Visakhapatnam District.

15. Nunnagoppula Padmavathi, W/o Darvadevullu, Aged 36 years, R/o APSWR School, Tallapalem Kasimkota Mandal, Visakhapatnam District.

16. Yellapu Satyavathi, W/o Pentayya, Aged 25 years R/o. Desapatrunipalem, Kothavalasa Mandal, Vizianagaram District.

17. . N.V.L Narasinga Rao, S/o Pothuraju, Aged 43 years, R/o Block-1, Radha Madhav Enclave, Miyapur, Hyderabad.

18. . Dr. Nagsetti Ramdev, S/o Pothuraju, Aged 40 years, R/o Gayatri Hospital, Chodavaram Village and Mandal, Visakhapatnam District.

19. Bondala Rajeswari, W/o Venugopala Rao, Aged 35 years, R/o Block-1, Radha Madhav Enclave Miyapur, Hyderabad.

...Respondents/Respondents/
Defendants 1 to 4,6 & 7,9 to 19

IA NO: 1 OF 2024

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. 214 of 2006 on the file of the Court of Learned IX Addl. District Judge (Fast Track Court) Chodavaram, pending disposal of the main CRP.

Counsel for the Petitioner: SMT. NIMMAGADDA REVATHI

Counsel for the Respondent No.2: SRI. M. MURALI LINCONLN

The Court made the following:

APHC010018512025

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

[3206]

FRIDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

CIVIL REVISION PETITION Nos: 117 & 119 of 2025 and 2984 of 2024

CIVIL REVISION PETITION NO: 117/2025

Between:

Illapu Pentayya ...PETITIONER

AND

Nagisetty Bangarunaidudied and Others ...RESPONDENT(S)

Counsel for the Petitioner:

1.NIMMAGADDA REVATHI

Counsel for the Respondent(S):

1.MURALI LINCOLN

2.

CIVIL REVISION PETITION NO: 119/2025

Between:

Illapu Pentayya ...PETITIONER

AND

Nagisetty Bangaru Naidu Died and Others ...RESPONDENT(S)

Counsel for the Petitioner:

1.NIMMAGADDA REVATHI

Counsel for the Respondent(S):

1.MURALI LINCOLN

2.

CIVIL REVISION PETITION NO: 2984/2024

Between:

N.s.v. Kesava Rao ...PETITIONER

AND

Nagisetty Bangarunaidudied and Others ...RESPONDENT(S)

Counsel for the Petitioner:

1. NIMMAGADDA REVATHI

Counsel for the Respondent(S):

1.MURALI LINCOLN

2.

The Court made the following common order:

As these three Civil Revision Petitions arise out of the orders passed in the same suit, they are being disposed of together, by way of this common order.

2. The respondents 1 & 2, in the revision petition, had filed O.S.No.214 of 2006, before the Learned IX Additional District and Sessions Judge, Chodavaram (Fast Track Court), for partition of the property.

3. During the trial of the suit, the evidence of defendants 5 & 7 was closed. Thereafter, the 5th defendant moved I.A.No.422 of 2024, for reopening his evidence for the purpose of examining himself as a witness. Similarly, I.A.No.460 of 2024 was filed by the 7th defendant for reopening his evidence.

for the purpose of examining himself as a witness. The 7th defendant also filed I.A.No.461 of 2024 to produce certain documents before the Court, for the purpose of marking them. All the above applications were dismissed by the Trial Court, by way of separate orders, dated 02.12.2024.

4. The Trial Court took the view that the defendats had been given adequate opportunity which has not been availed by them and that the suit is of the year 2006, which requires to be disposed of, at the earliest.

5. Aggrieved by these orders, the present Civil Revision Petitions have been filed.

6. The learned counsel for the respondents/ plaintiff would contend that the suit is of the year 2006 and the orders of the Trial Court are appropriate and need not be interfered with.

7. As the suit is a suit for partition, it would only be appropriate if all the parties are given adequate opportunity to edduce evidence and a decision is taken on the merits of the case after the parties had been allowed to edduce their evidence.

8. However, this Court would also have to take note of the fact that the suit is of the year 2006 and has been kept pending for the past 19 years.

9. In the circumstances, with a view to balance all these factors, these Civil Revision Petitions are allowed, with the following directions:

(1) It is represented that the 5th defendant has already filed his affidavit in-lieu of chief-examination.

(2) The 7th defendant shall file his affidavit in-lieu of chief-examination within a period of one (01) week from today.

(3) The cross-examination of the 5th defendant shall be taken up on the next date of hearing itself and the evidence of the 5th defendant shall stand eschewed if he is not present on the next date of hearing of the suit.

(4) Upon completion of the cross-examination of the 5th defendant, the next date of hearing would be fixed and the cross-examination of the 7th defendant shall be taken up on that date. Any failure on the part of the 7th defendant to appear on the dates, so fixed by the Trial Court, shall result in the evidence of the 7th defendant being eschewed.

(5) The Trial Court, after completing all these evidences, shall hear arguments and dispose of the suit, within a period of one (01) month after the completion of the evidence of defendants 5 & 7.

There shall be no order as to costs.

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

Sd/- P VINOD KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IX Additional District Judge(Fast Track Court) Chodavaram.
2. One CC to Smt. Nimmagadda Revathi, Advocate [OPUC]
3. One CC to Sri. M. Murali Lincoln, Advocate [OPUC]
4. Three CD Copies

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sree

HIGH COURT

DATED:07/03/2025

COMMON ORDER

C.R.P. NOs: 117 & 119 OF 2025 and 2984 of 2024



ALLOWING THE CRPs WITHOUT COSTS