APHC010460192026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION No. 2433/2026

BETWEEN:

1. K KODANDA RAMI REDDY, DIED REP BY HIS L.RS
2. K SIVA SANKAR REDDY, S/o. LATE K. KODANDA RAMI REDDY, AGED ABOUT 57 YEARS, R/o. UTUKURU VILLAGE, KADAPA CITY, KADAPA DISTRICT.
3. K. VIJAYA KUMAR REDDY, S/o. LATE K. KODANDA RAMI REDDY, AGED ABOUT 54 YEARS, R/o. UTUKURU VILLAGE, KADAPA CITY, KADAPA DISTRICT.

...PETITIONER(S)

AND

1. CHOWDARY S. FAYAZUDDIN, DIED
2. S. CHOWDARY SABIR HUSSAIN, S/o. RAHAMATHULLA, AGED ABOUT 70 YEARS, R/o. RAVINDRA NAGAR, KADAPA CITY DISTRICT
3. S CHOWDARY SHABEER HUSSAIN, S/o. RAHAMATHULLA, AGED ABOUT 52 YEARS, R/o. Y.V. STREET, KADAPA CITY DISTRICT.
4. S. SYEEDA, W/o. CHOWDARY S. FAYAZUDDIN,AGED ABOUT 62 YEARS, R/o. RAHAMATHULLA STREET,KADAPA CITY, KADAPA DISTRICT
5. SHAIK NIZAMUDDIN CHOWDARY, S/o. S. FAYAZUDDIN AGED ABOUT 32 YEARS, R/o. RAHAMATHULLA STREET,KADAPA CITY, KADAPA DISTRICT
6. SHAHEEN PARVAZ, D/o. S. FAYAZUDDIN,AGED ABOUT 37 YEARS, R/o. RAHAMATHULLA STREET, KADAPA CITY,

KADAPA DISTRICT.

7. TANVAR ENSAS, D/o. S. FAYAZUDDIN,AGED ABOUT 33 YEARS, R/o. RAHAMATHULLA STREET,KADAPA CITY, KADAPA DISTRICT
8. THOUSEEF HUMARA, D/o. S. FAYAZUDDIN, AGED ABOUT 30 YEARS, R/o. RAHAMATHULLA STREETKADAPA CITY, KADAPA DISTRICT.

...RESPONDENT(S):

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the above named Petitioner begs to present this Memorandum of Civil Revision Petition aggrieved by the Order dt.30.7.2026 in E.P.No.302/2015 inO.S.No.634/2011 on the file of the Court of the III Additional Civil Judge Junior Division, Kadapa.

Counsel for the Petitioner(S):

1. VARREY VENKATA NAGA VISHNU TEJA
2. VARREY VENTAKATA NAGAVISHNU TEJA

Counsel for the Respondent(S):

ORDER:

The plaintiffs filed suit O.S.No.634/2011 on the file of the Principal Junior Civil Judge, Kadapa, for eviction and the suit was decreed vide Judgment and Decree dated 19.12.2012. The regular First Appeal that was filed was dismissed by the lower appellate court in A.S.No.11 of 2012, on the file of the IV Additional District Judge's Court, Kadapa and the judgment of the trial Court has been confirmed. Subsequently, E.P. No. 302 of 2015 was filed to put the decree holders into possession of the demised building, under Order XXI Rule 35 of CPC. The execution petition was ordered on 30.07.2026.

2. According to Order XXI Rule 35(3) of Code of Civil Procedure, which lays down that where possession of any building or enclosure is to be delivered and the person in possession, being bound by the decree does not afford free access, the Court, through its officers, may after giving reasonable warning and facilities to any women not appearing in public according to the customs of the country to withdraw, remove or unlock or bolt or break open any door or do any act in this regard for putting the Decree Holder in possession, thus in accordance with the provisions of Order 21 Rule 35(3) of the Code of Civil Procedure.

3. The Sub-tenant/s / claimants filed E.A.No.258 of 2017 filed under Order XXI Rule 99 CPC filed by the alleged claimants. After affording full opportunity to all concerned parties and upon appreciation of the oral and documentary evidence, the Execution Court has dismissed the said claim petition on merits on 07.05.2026, holding that the claimants failed to establish any independent right, title or lawful possession over the E.P. schedule property. And the said order has become final.

4. It is known law that the sub-tenants are only occupants under the tenant. If a person in occupation/sub-tenant is bound by the order of eviction passed against the tenant even when he is not arrayed as a party in the eviction proceedings, they cannot be held to have any right to deny the title of the landlord in the course of such proceedings. The Sub-tenant or other person in occupation claiming rights under the tenant are bound by the order of eviction passed against the tenant whether they are parties or not to such proceedings and such a person who is only claiming rights under the tenant cannot be permitted to deny the title of the landlord. And there is no dispute with regard to the identification of the property.

5. The present Civil Revision Petition is filed aggrieved by the Order dated 30.07.2026 in E.P. No. 302 of 2015 in O.S. No. 634 of

2011, on the file of the Court of the III Additional Civil Judge (Junior Division), Kadapa.

6. It is the contention of the revision petitioners, that the D.Hrs who are the Plaintiffs do not hold absolute ownership of the property, and the decree holders' sisters also have share in the building. They are in negotiations with the respondents/ decree holders for purchasing the property and have requested a stay until these negotiations are complete.

7. Learned counsel for the contested respondents refuted this contention outright. A denial of the landlord's title without good faith is inherently a reason for eviction.

8. On perusal of the memorandum of grounds no valid and legal grounds were raised. The oral argument of the learned counsel remains as stated above. Suit was decreed on 19.12.2012 and the appeal filed by J.Dr's was dismissed vide A.S.No.11 of 2012 and the 3rd party claimants filed application under Order XXI Rule 99 of C.P.C. was also dismissed and the said order has become final. Now the present civil revision petition was filed with innocuous grounds, having obtained the decree about 15 years back. The Decree holders are unable to take possession. The oral argument cannot be considered. The petitioners are unable to make out any case and this Court does

not see any perversity in the order impugned and no fault can be found with the action of Decree Holders in making such application.

9. Accordingly the Civil Revision Petition is dismissed. However, no order as to costs.

As a sequel, interlocutory applications, if any pending in this Civil Revision Petition shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 30.10.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

C.R.P.No. 2433 OF 2026

Date: 30.10.2026

Harin