APHC010489442026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

CIVIL MISCELLANEOUS APPEAL NO: 505 OF 2026

Between:

1. Musunuru Padmanabha Rao, S/o RamakotaiahAgd 65 yearsR/o H No 9-1-22, Angalakuduru,Tenali Mandal, Guntur District - 522211.
2. Musunuru Parvathi, W/o. Padmanabha Rao,Aged about 56 years,H No 9-1-22, Angalakuduru,Tenali Mandal, Guntur - 522211.
3. Musunuru Rama Sesha Sai, S/o. Padmanabha Rao,Aged about 34 years,H No 9-1-22, Angalakuduru,Tenali Mandal, Guntur - 522211
4. Musunuru Jaya Sri, D/o. Padmanabha Rao,Aged about 31 years.Residing at H No 9-1-22, Angalakuduru,Tenali Mandal, Guntur - 522211.

...Petitioners

AND

1. Alapati Madhuri, W/o. Sudhakara Rao, aged about 70 years, residing at 4th Lane, SVN Colony,2nd Cross, Udyoga Nagar Colony,Guntur. 522006
2. Yalamanchili Savitri, W/o. late Ravi Kumar, aged about 67 years,Residing at Door No. 11-81/A,Old Indian Gas Road, Gudivada Krishna District. 521301

3. Talluri Sakuntala, W/o. Anjaneyulu,Aged about 62 years, residing at Flat No. 201, Gopal Towers, Railway Station Road, Angalakuduru village, Tenali Rural Mandal, Guntur District.522211

4. Gogineni Aravinda, W/o. late Sambasiva Rao,Aged about 75 years, residing at Flat No. 405,Jayaprada Towers, Sultanabad, Tenali, Guntur District. 522201

5. Musunuru Dhana Lakshmi, W/o. Chandra Mohan Rao, Aged about 75 years, residing at D.No.6-34, Opp.Kalyanamandapam, Angalakuduru Village Tenali Rural, Guntur District. 522211

6. Musunuru Krishnaveni, W/o. late Rambabu, aged about 29 years, residing at D.No. 6-34,Opp. Kalyanamandapam, Angalakuduru Village Tenali Rural, Guntur District. 522211

7. Musunuru Tanusha, D/o. late Rambabu,Aged about 18 years,Residing at D.No. 6-34,Opp. Kalyanamandapam, Angalakuduru Village, Tenali Rural, Guntur District. 522211

8. Garikapati Sailaja, W/o. Gopichand,Aged about 51 years,Residing at 3rd Floor, SNL Meridium6th Lane, SVN Colony, Guntur.522006.

9. Kondapaneni Indumati, W/o. late Nageswara Rao,Aged about 77 years,Residing at Flat No. 106, Mahadeva Apartments,Main Road, Angalakuduru village,Tenali Rural, Guntur District. 522211

10. Mangamuri Anantha Lakshmi, W/o. late Sambasiva Rao, Aged about 64 years, residing at D.No.4-23-21/1, Eedaravari Veedhiltha Nagar, Tenali. 522201

...Respondents

Appeal Under Section_____against orders For the reasons stated herein, it is therefore prayed that this Hon'ble court may be pleased to allow this Civil Miscellaneous Appeal and Set aside the impugned Order

dated 23.07.2026 passed by the learned XI Additional District Judge, Tenali,

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 grant stay of all further proceedings in O.S.No.1 of 2024 on the file XI Additional District Judge, Tenali

Counsel for the Petitioners: PETA GNANA TEJA

Counsel for the Respondents: MSVS SUDHA RANI Counsel for the Respondents: S LAKSHMINARAYANA REDDY

The Court made the following order:

JUDGMENT: (*Per Hon'ble Sri Justice D.Ramesh)*

The appeal is filed aggrieved by the order in I.A.No.2 of 2024 in O.S.No.1 of 2024 dated 23.7.2026 passed by the learned XI Additional District Judge, Tenali. The respondents/plaintiffs has filed the application under Order XL Rule 1 CPC for appointment of receiver in a suit for partition. As the I.A. was considered by the trial Court and passed an order appointing Official Receiver directing to take possession of the schedule property shown in the petition.

2. Sri G. Venkateswara Rao, learned counsel appearing on behalf of the learned counsel for the appellants has contended that the trial Court has not considered properly the application filed by the respondents for granting relief under Order XL Rule 1 CPC. There is no assertion in the petition with regard to the damage to the property or mis-management. Those are the main ingredients while considering the application filed under Order XL Rule 1 CPC. Apart from that he has also contended that the schedule property is absolute property of the defendants by way of gift and will executed by the deceased sister. Without deciding that aspect, straight away the receiver cannot be appointed.

3. Reply to the said contentions, Sri S.Lakshminarayana Reddy, learned counsel for respondents has disputed the will as well as gift executed in favour of the defendants. In fact the plaintiffs and defendant

no.8 and other six sisters are all entitled for partition of the suit schedule property to succeed to the estate of the M.Vasundhara, who died intestate. Further he is also willing to deposit Rs.1,50,000/- per acre totaling to Rs.19,50,000/- for 13 acres if property is entrusted to them.

4. Reply to the other contentions, learned counsel for the appellants has contended that without deciding the rights of the parties as they are claiming absolute rights and no partition is entitled, the subject properties are initially self-acquired by M.Vasundhara as a practicing Advocate and she gifted the properties through a will to defendants and their children. Hence without deciding the issue and also without having any pleading with regard to the damage or the mis-management, the question of appointing the receiver does not arise.

5. Considering the submissions on both sides and without expressing any opinion on the merits of the case, the Civil Miscellaneous Appeal is allowed at the stage of admission by setting aside the order and decretal order dated 23.01.2026 in I.A.No.2 of 2024 in O.S.No.1 of 2024 on the file of the learned XI Additional District Judge, Tenali and the appellants herein are directed to deposit Rs.6,50,000/- per annum in the month of December' 2026 for this year and thereafter at Rs.6,50,000/- per annum on or before 01st August of every succeeding year commencing from next year i.e. 2027. The

amount shall be deposited in the civil Court deposit account of the XI Additional District Court, Tenali and the said amount may be kept in an interest bearing account in a nationalized bank. In default of deposit of the above said amount for any of the year, the order of the trial Court stands revived. No costs.

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

JUSTICE D.RAMESH

JUSTICE A. HARI HARANADHA SARMA

28.10.2026
RD

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

CIVIL MISCELLANEOUS APPEAL NO.505 of 2026

Dated: 28.10.2026

RD