



HIGH COURT OF ANDHRA PRADESH
FRIDAY ,THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI
CIVIL REVISION PETITION NO: 1443 OF 2023

Between:

1. PAPANI MURALI S/o Vasudeva Naidu, aged about 38 years, Hindu, Cultivation, R/o Damarakulaoaddu village, Nalagampalle post, Bangarupalyam Mandal, Chittoor Dist
2. Papani Kumaraswamy, S/o Vasudeva Naidu aged about 36 years, Hindu, Cultivation, R/o Damarakulaoaddu village, Nalagampalle post, Bangarupalyam Mandal, Chittoor Dist.

...PETITIONER(S)

AND:

1. SALLABUNDLA MUNEMMA AGED ABOUT aged about 68 years , W/o Raghunandha Naidu,Hindu,Cultivation, R/o Damarakulaoaddu village,Nalagampalli post, Bangarupalyam Mandal, Chittoor Dist.
3. Papani Vasudeva Naidu, S/o Narasaiah Naidu, aged about 78 years, Hindu, Cultivation, R/o Damarakulaoaddu village, Nalagampalle post, Bangarupalyam Mandal, Chittoor Dist.
4. Papani Lingamma , w/o Vaudeva Naidu, aged about 73 years,Hindu, Cultivation, R/o Damarakulaoaddu village, Nalagampalle post, Bangarupalyam Mandal, Chittoor Dist.
5. Radhamma , D/o Vasudeva Naidu, aged about 40 years, Hindu, Cultivation, R/o . Damarakulaoaddu village, Nalagampalle post, Bangarupalyam Mandal, Chittoor Dist.
6. Prameela, D/o Vasudeva Naidu, aged about 38 years, Hindu, Cultivation, R/o . Damarakulaoaddu village, Nalagampalle post, Bangarupalyam Mandal, Chittoor Dist.
7. Papani Ansuyamma (died).
8. Sarasamma, W/o Rajagopal Naidu , aged about 53 years, Hindu, Cultivation, R/o . Damarakulaoaddu village, Nalagampalle post, Bangarupalyam Mandal, Chittoor Dist.
9. Kanthamma , W/o Rajendra, aged about 58 years, Hindu, Cultivation, R/o . Kondapalle village, Mudigolam post, Irala Mandal, Chittoor Dist.
10. Manini Subbamma @ Chinnamma, aged about 66 years, W/o Sreenivasulu Naidu , Hindu,Cultivation, R/o Venkatapuram village, Thumbuganipalli post, Bangarupalyam Mandal, Chittoor dist.
11. S.Madan S/o Eswar kumar, aged about 33 years, Hindu, Cultivation, R/o D.no. 2-256-6, Kadiri road, Neeraguttuvaripalle, Madanapalle, Chittoor dist.
12. M. Madu S/o Chinnababu Naidu, aged about 38 years, Hindu, Cultivation, Buchinadipadupalli village, Thungapalli post, Bangarupalyam Mandal, Chittoor dist.
13. Papani Chengalraya Naidu, S/o. Narasaiah Naidu, aged 98 yrs, cultivation, residing at 18-3-173, Saptagiri Nagar, K.T Road, Tirupati.(died)



14. Papani Shesham Naidu, S/o. Narasaiah Naidu, aged 93 yrs, cultivation, 2023:APHC:19752 residing at Damarakuloaddu (V), Nalagampalli (P), Bangarupalyam Mandal, Chittoor dist. (died)
15. Avalamanda Surendra Naidu , S/o Ramanaidu, aged about 58 years, Hindu, Cultivation, R/o Musala Madugu village, Pengirigunta post, Palamaner Mandal, Chittoor dist.
16. Idamalapati Vinayakamma, S/o. Ramanaidu, aged about 68 yrs, Hindu, Cultivation, residing at Thumbaganipalli post, Bangarupalyam Mandal, Chittoor dist. (died)
17. Sureni Vijayamma , W/o Venkata Naidu, aged 65 years, Hindu, Cultivation, R/o Gaddam Chinnapalle, Eguvamadugu post, Mulbagal Taluk, Kolar Dist.
18. Surneni Neelamma, W/o Venkata Naidu, aged 63 years, Hindu, Cultivation, R/o Gaddam Chinnapalle, Eguvamadugu post, Mulbagal Taluk, Kolar Dist.
19. Idamalapati Renukamma, S/o Subramanyam Naidu, aged 61 years, Hindu, Cultivation, R/o Venkatapuram village, Thumbaganipalle post, Bangarupalyam Mandal, Chittoor Dist.
20. P. Bujamma W/o. Harinath Naidu, aged about years, Hindu, R/o. Gandla street, Navapet, Nellore City and District.
21. Papani Venkatadri Naidu, S/o. Late Seshamnaidu Aged about years, Hindu, Cultivation, residing at Damarakuloaddu (V), Nalagampalli (P), Bangarupalyam Mandal, Chittoor dist.
22. Papani Gangi Naidu , S/o. Late Seshamnaidu, Aged about years, Hindu, Cultivation, residing at Damarakuloaddu (V), Nalagampalli (P), Bangarupalyam Mandal, Chittoor dist.
23. Ellampalli Chinnakka (died)
24. Manyam Vanajamma @ Vanaja , W/o Mohan Naidu, aged 53 years, Hindu, Cultivation, R/o KBN Kandriga village, Thumbaganipalle post, Bangarupalyam Mandal, Chittoor Dist

...RESPONDENTS

Counsel for the Petitioner(s): M CHALAPATI RAO

Counsel for the Respondents:

The Court made the following: ORDER



2023:APHC:19752

THE HON'BLE Ms. JUSTICE B.S.BHANUMATHI
Civil Revision Petition No.1443 of 2023

Between:

Papani Murali, S/o Vasudeva Naidu,
Aged about 38 years, Hindu,
Cultivation, R/o Damarakulaoaddu village,
Nalagampalle Post, Bangarupalyam Mandal,
Chittoor District
and another

....Petitioners

A n d

Sallabundla Munemma, aged about 68 yrs,
W/o Raghunandha Naidu, Hindu, cultivation,
R/o Damarakulaoaddu village,
Nalagampalle Post, Bangarupalyam Mandal,
Chittoor District
and others

....Respondents

DATE OF ORDER PRONOUNCED : 16.06.2023

SUBMITTED FOR APPROVAL:

THE HON'BLE Ms. JUSTICE B.S.BHANUMATHI

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 Her Ladyship wish to see the fair copy
of the order? Yes/No

B. S. BHANUMATHI,



THE HON'BLE Ms. JUSTICE B.S.BHANUMATHI

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Chittoor District
and others

....Respondents

! Counsel for the petitioner : Sri M.Chalapati Rao

^ Counsel for the Respondents :

< Gist:

> Head Note:

? Cases referred:

**THE HON'BLE Ms. JUSTICE B.S.BHANUMATHI****Civil Revision Petition No.1443 of 2023****ORDER:**

This Civil Revision Petition is filed under Article 227 of the Constitution of India by the revision petitioners/respondents No.3 and 4 to set aside the order dated 03.05.2023 passed in I.A.No.169 of 2023 in I.A.No.114 of 2023 (old No.I.A.No.220 of 2016) in O.S.No.170 of 1990 on the file of Principal Senior Civil Judge, Chittoor, and pass such other and further orders as are deemed fit and proper in the circumstances of the case.

2. Heard Sri M.Chalapati Rao, learned counsel for the revision petitioners.

3. In the suit for partition filed initially by R-22 and R-1 (added by R-22 and later R-22 died), a preliminary decree was passed on 18.08.1997 against D-1 to D-17 that the plaint A schedule items 1, 3 to 8, 16, 17 and 'C' and 'D' schedule properties to be divided into 4 (four) equal shares and allotment and possession of P1 & P2, D-1 and D-10, each one such share. The petitioners 1 & 2 are D-3 & D-4 in the suit, but minors aged 15 years and 13 years as on the date of filing of the suit in 1990. So by the date of passing of the preliminary decree, they must be majors. They were represented by a guardian (father D-1) in the suit. Now the petitioners (D-3 & D-4) says the lands covered by S.Nos.313/3, 318/2, 317/1, 317/5 & 317/6 are the self acquired properties of their paternal grand mother Smt Lakshamma.



Though she executed a Will dated 27.06.1985 in favour of D-3 & D-4 (father as guardian) bequeathing the above properties, having realized that Will operates on her death only, she executed a registered partition deed dated 16.05.1988 to D-3 & D-4 to pass over the title immediately. But D-1 filed the partition deed only and it was disputed by the plaintiffs. So the petitioners filed I.A.No.143 of 2023 in I.A.No.220 of 2016 (petition for final decree) along with a Photostat copy of the Will dated 27.06.1985 seeking leave to file it and the petition was allowed. Therefore, the petitioners filed I.A.No.169 of 2023 to permit them to adduce in I.A.No.220 of 2023 evidence of documents filed with I.A.No.143 of 2023. The petition was opposed and dismissed. Hence, this revision petition was filed.

4. The revision petitioners want to adduce additional evidence by leading evidence of the Will dated 27.06.1985. Thereby, the petitioners want to challenge the preliminary decree by claiming right in the properties which were already decreed to be partitioned. The only remedy that the petitioners could have availed is by challenging the preliminary decree in appeal and not by challenging the same in the final decree petition. Even as per the petitioners, they attained majority during the pendency of the appeal in A.S.No.1194 of 1997 filed before this High Court. Therefore, this Court does not see any irregularity or illegality committed by the trial Court in dismissing the petition vide the order impugned in the revision petition. Thus, the revision petition is liable to be dismissed.



5. Therefore, the revision petition is dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

B.S.BHANUMATHI, J

Dt. 16-06-2023

PNV