



**HIGH COURT OF ANDHRA PRADESH**  
TUESDAY ,THE FOURTH DAY OF JULY  
TWO THOUSAND AND TWENTY THREE

**PRESENT**

**THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI**  
**CIVIL REVISION PETITION NO: 1468 OF 2016**

**Between:**

1. M G KRISHNA, E.GODAVARI DIST S/o Jagga Rao, Hindu, Business, aged 56 years, R/o HM, MPP School, Surapurajupeta, Kotananduru Mandal. East Godavari District..

**...PETITIONER(S)**

**AND:**

1. M/S MARGADARSI CHIT FUND LTD., E.GODAVARI DIST & 5 OTHERS having its Registered Office at Fateh Maidan Road, Hyderabad, having among other branches a branch at Kakinada rep. by its Manager, Dasari Prasad, s/o Mohan Rao, Hindu, aged 40 years, r/o Kakinada. East Godavari District
2. Grandhi Sathi Raju, s/o Satyanarayana, r/o D.No.14-196/A, Dowleswaram Road, Rajahmundry. East Godavari District.
3. Jeggumarthi Prabhuguna Kumar s/o Sanyasi Rao, Hindu, Goods Guard, SC Rly., Vijayawada. r/o Qtr. No.46B, AC Gardens, Rajahmundry. East Godavari District.
4. Pulla Nagabhushanam, s/ o Chenchaiyah, Hindu, Retd. Passenger Guard, r/o Qtr.No.271-B, East Railway Colony, Rajahmundry. East Godavari District.
5. Barre Chaithanya Kumar s/o Chinnayya, Hindu, Sec. Gr. Asst. Mpl. Ele. School, Narayanapuram, Rajahmundry. r/o MIG-242, APHB Colony, Lalacheruvu, Rajahmundry. East Godavari District.
6. Pasalapudi Papparao, s/o Venkanna, Hindu, Senior Driver, S.C. Railway, Rajahmundry. East Godavari District.

**...RESPONDENTS**

**Counsel for the Petitioner(s): P RAJESH BABU**



**Counsel for the Respondents: P DURGA PRASAD**  
**The Court made the following: ORDER**

*2023:APHC:21099*



**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

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**CIVIL REVISION PETITION NO.1468 OF 2016**

**Between:**

Mundra Gopala Krishna,

... Petitioner

*Versus*

M/s. Margadarsi Chit Fund Ltd.,  
and five (5) others.

...Respondents

\* \* \* \* \*

DATE OF ORDER PRONOUNCED : 04.07.2023

SUBMITTED FOR APPROVAL:

**HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

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 His Lordship wish to see the  
fair copy of the Order? Yes/No

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JUSTICE B.V.L.N.CHAKRAVARTHI



**\* HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

**+ CIVIL REVISION PETITION NO.1468 OF 2016**

**% 04.07.2023**

**# Between:**

Mundra Gopala Krishna,

... Petitioner

*Versus*

M/s. Margadarsi Chit Fund Ltd and five (5) others

...Respondents

- ! Counsel for the Revision petitioner** : Sri P. Rajesh Babu
- ^ Counsel for the Respondent No.1** : Sri P. Durga Prasad
- ^ Counsel for the Respondent Nos. 2 to 6** : Referred as not necessary parties

**< Gist:**

**> Head Note:**

**? Cases referred:**

- 1. Hira Lal Patni Vs. Sri Kali Nath reported in 1962**
- 2. 0 AIR (SC) 199.**

This Court made the following:



**THE HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTI**

**CIVIL REVISION PETITION NO.1468 of 2016**

**ORDER:**

Heard Sri P.Rajesh Babu, learned counsel for the revision-petitioner and Sri P. Durga Prasad, learned counsel for the respondents.

2. Learned counsel for the Revision-Petitioner would submit that the revision-petition is filed against an Order, dated 05.02.2016 on the file of II Additional Senior Civil Judge, Kakinada challenging in E.A.No.113 of 2015 in O.S.No.317 of 2009 whereunder the learned Trial Judge, upon considering the evidence on record, holding that the contention of the revision-petitioner that his signature on the Chit Agreement was forged cannot be considered under Section 47 CPC and the learned Trial Judge dismissed the application.

3. Learned counsel for the respondent No.1 would submit that no Revision is maintainable against an order under Section 47 of CPC as it is an appealable order. He would further submit that an application under Section 47 of CPC is not maintainable on the ground that the signature of the defendant was forged on the Chit Agreement and question that can be challenged in execution



proceedings is only on the ground that the Court entirely lacking inherent jurisdiction.

4. In the light of the above context of the revision petitioner and the respondents, the point that arises for consideration is: -

**“Whether the Execution Court committed any irregularity in the Order, dated 05.02.2016 passed in E.A.No.113 of 2015 in E.P.No.65 of 2014 in O.S.No.317 of 2009 on the file of II Additional Senior Civil Judge’s Court, Kakinada?”**

5. **P O I N T:**

It is an admitted fact that the revision-petitioner filed an application under Section 47 CPC before the Execution Court on the ground that his signature on the Chit Agreement was forged and decree was obtained by fraud.

6. The Hon’ble Supreme Court in **Hira Lal Patni Vs. Sri Kali Nath** reported in **1962 0 AIR (SC) 199**, wherein the Hon’ble Apex Court held as under:

*“The validity of a decree can be challenged in execution proceedings only on the ground that the court which passed the decree was lacking in inherent jurisdiction in the sense that it could not have seizin of the case because subject matter was wholly foreign to its jurisdiction or that the defendant*



*was dead at the time the suit had been instituted or decree passed, or some such other ground which could have the effect of rendering the court entirely lacking in jurisdiction in respect of the subject matter of the suit in over the parties to it. But in the instant case there was no such inherent lack of jurisdiction.”*

7. The revision-petitioner/defendant filed application under Section 47 CPC contending that the decree was fraudulently obtained basing on a Chit Agreement, wherein, his signature was forged and therefore, the decree is a nullity.

8. Admittedly, it is not the contention of the revision-petitioner that the Court which passed decree, was lacking in jurisdiction in the sense that it could not have seized the case, because the subject matter was wholly foreign to its jurisdiction or that the defendant was dead at the time the suit had been instituted or decree passed, or some such other ground which could have effect of rendering the Court entirely lacking in jurisdiction in respect of the subject matter of the suit in over the parties to it.

9. Therefore, when there was no such inherent lack of jurisdiction, application under Section 47 CPC is not maintainable. Only a decree which is a nullity can be the subject matter of objection under Section 47 CPC. The Executing Court shall not



permit a new plea not raised in the suit, when it requires adjudication. The dispute regarding signature of the revision-petitioner/defendant has to be determined in this suit and not in proceedings of execution. In that view of the matter the revision is devoid on merits.

10. Accordingly, the Civil Revision Petition is Dismissed. There shall be no order as to costs.

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

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**JUSTICE B.V.L.N.CHAKRAVARTHI**

4<sup>th</sup> July, 2023.

RMD