



**HIGH COURT OF ANDHRA PRADESH**  
TUESDAY ,THE TWENTIETH DAY OF JUNE  
TWO THOUSAND AND TWENTY THREE

**PRESENT**

**THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI**  
**CIVIL REVISION PETITION NO: 2174 OF 2015**

**Between:**

1. NELLEPALLI HANNAMMA [DIED] & 3 ORS -
2. Watkeins Vijaya Kumar S/o.Charles, Retd Employee, Now Secretary cum Correspondent to Hannamma B.Ed College  
R/o.D.No.3/420, Saikuteer Road,  
YMR Colony, Proddatur - 516 360.
3. W.Swarnalatha W/o.late Vinod Kumar, Retd Bank Employee  
R/o.D.No.1-4-575, SLC Colony,  
Opp.to Dhobi Ghat, Anantapur.
4. K.Mano Ranjitha Kusuma Kumari W/o.Ramana Reddy, Retd Teacher  
R/o.D.No.3/419, Saikuteer Road,  
YMR Colony, Proddatur - 516 360.

**...PETITIONER(S)**

**AND:**

1. KOTHAPALLI PALAGIRI SAMSON SILAS & 18 ORS S/o.K.P.Andrews,  
Christian  
R/o.D.No.3/420, Saikuteer Road,  
YMR Colony, Proddatur - 516 360.
5. Y.M.Vijayamma W/o.K.P.Samson Silas  
R/o.D.No.3/420, Saikuteer Road,  
YMR Colony, Proddatur - 516 360.
6. K.P.DAniel S/o.K.P.Samson Silas  
R/o.MIG-202, Housing Board Colony,  
Proddatur - 516 360.
7. K.P.Swarnalatha W/o.K.P.Daniel  
R/o.D.No.3/420, Saikuteer Road,  
YMR Colony, Proddatur - 516 360.
8. K.P.David S/o.K.P.Daniel  
R/o.D.No.3/420, Saikuteer Road,  
YMR Colony, Proddatur - 516 360.
9. K.P.Emmanuel S/o.K.P.Daniel  
R/o.D.No.3/420, Saikuteer Road,  
YMR Colony, Proddatur - 516 360.
10. K.P.Aggirappa S/o.K.P.Andrews  
R/o.Railway Kondapurm, Kadapa.
11. K.P.Sadainatham Samuel S/o.K.P.Andrwes  
R/o.Pottipadu Road,  
Valeevia School,  
Proddatur - 516 360.
12. K.P.Sarojini W/o.K.P.Samuel  
R/o.Pottipadu Road,  
Valeevia School,  
Proddatur - 516 360.



13. K.P.Hanoc S/o.K.P.Samuel  
R/o.Pottipadu Road,  
Valeevia School,  
Proddatur - 516 360.
14. K.P.Thammu S/o.K.P.Samuel  
R/o.Pottipadu Road,  
Valeevia School,  
Proddatur - 516 360.
15. K.P.Lidiya D/o.K.P.Samuel  
R/o.Pottipadu Road,  
Valeevia School,  
Proddatur - 516 360.
16. K.P.Leena W/o.David  
R/o.Pottipadu Road,  
Valeevia School,  
Proddatur - 516 360.
17. K.P.Hepshiba Hemalatha D/o.Dndrews, Retd Junior College Lecturer,  
Saleem Nagar, Danialpuram,  
Opp Street of Dwaraka High School,  
Back Side of ST Joseph Convent,  
Nandyal, Kurnool District.
18. K.P.Valli Second Husband of K.P.H.Hemalatha,  
Saleem Nagar, Danialpuram,  
Opp Street of Dwaraka High School,  
Back Side of ST Joseph Convent,  
Nandyal, Kurnool District.
19. K.P.Joyal S/o.Devasayam [Firest Husband of K.P.H.Hemalatha],  
Saleem Nagar, Danialpuram,  
Opp Street of Dwaraka High School,  
Back Side of ST Joseph Convent,  
Nandyal, Kurnool District.
20. D.Grace Dorathy W/o.Nanda Kumar  
R/o.K.L.Mission Hospital Compound,  
Jeevgram, Renigunta Post, Chittoor District.
21. D.Kiran S/o.Nanda Kumar  
R/o.K.L.Mission Hospital Compound,  
Jeevgram, Renigunta Post, Chittoor District.
22. K.Laveena W/o.Kiran  
R/o.K.L.Mission Hospital Compound,  
Jeevgram, Renigunta Post, Chittoor District.

...RESPONDENTS

**Counsel for the Petitioner(s): M N NARASIMHA REDDY**  
**Counsel for the Respondents: BANKATLAL MANDHANI**  
**The Court made the following: ORDER**



**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

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**CIVIL REVISION PETITION NO.2174 of 2015**

**Between:**

Nellepalli Hannamma (Died) and three (03) others

... Petitioners/Plaintiffs

*Versus*

Kothapalli Palagiri Samson Silas and eighteen (18) others

...Respondents/Defendants

\* \* \* \* \*

DATE OF ORDER PRONOUNCED : 20.06.2023

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

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



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

**+ CIVIL REVISION PETITION NO.2174 of 2015**

**% 20.06.2023**

**# Between:**

Nellepalli Hannamma (Died) and three (03) others

... Petitioners/Plaintiffs

*Versus*

Kothapalli Palagiri Samson Silas and eighteen (18) others

...Respondents/Defendants

**! Counsel for the Revision  
petitioners**

: Sri M.N.Narasimha Reddy

**^ Counsel for the Respondents**

: Sri K.Sita Ram

Sri Jayanti S.C. Sekhar

**< Gist:**

**> Head Note:**

**? Cases referred:**

- 1. Maniben Devraj Shah vs. Municipal Corporation of Brihan Mumbai reported in (2012) 5 Supreme court Cases 157.**

This Court made the following:



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

**CIVIL REVISION PETITION NO.2174 of 2015**

**ORDER:**

Heard Sri M.N.Narasimha Reddy, learned counsel representing for revision-petitioners and Sri K.Sita Ram and Sri Jayanti S.C. Sekhar, learned counsels representing for respondents.

2. This revision-petition is directed against the Order, dated 27.02.2015 in I.A.No.42 of 2013 in O.S.No.84 of 2012 on the file of Principal Junior Civil Judge's Court, Proddatur. The revision-petitioners filed the application in I.A.No.42 of 2013 in the suit under Section 5 of the Limitation Act, 1963.

3. The contention of the revision-petitioners is that there is delay of 141 days in filing the application to set-aside the abatement to implead the legal representatives of the deceased plaintiff No.1. The application was opposed by the respondents/ defendants.

4. The revision-petitioners, before the Trial Court contended that the plaintiff No.1 died on 14.06.2012 and they recently came to know about the Will. The respondents/defendants would contend that the Will is not a genuine one and that the 3<sup>rd</sup> and 4<sup>th</sup> revision-petitioners filed a Miscellaneous Application before the High Court of Andhra



Pradesh long back seeking to implead the revision-petitioner Nos.2 to 4 as legal representatives of the deceased plaintiff No.1 stating that he executed a Will, dated 09.11.2005 and therefore, the contention of the revision-petitioners that they came to know about the Will recently, is false.

5. The learned Trial Court considered the material available on record and found that Ex.B.1 i.e., Certified Copy of affidavit and petition filed in A.S.M.P.No.1380 of 2012 in A.S.No.934 of 2002 on the file of High Court of Andhra Pradesh and the said application was signed on 30.07.2012 by the 3<sup>rd</sup> and 4<sup>th</sup> revision-petitioners and in the said affidavit they stated about the Will, dated 09.11.2005 and the present application was signed on 01.02.2013 and therefore, the contention of the revision-petitioners that they came to know about the Will recently, is a false statement and hence, the reason assigned for delay is a false reason and 'Dismissed' the application.

6. In the light of above rival contentions, the point that would arise in the revision-petition is as under: -

**“Whether the Trial Court committed any material irregularity in the Order, dated 27.02.2015 passed in I.A.No.42 of 2013 in O.S.No.84 of 2012 on the file of Principal Junior Civil Judge’s Court, Proddatur ?”**



7. **P O I N T: -**

It is an admitted fact that the 3<sup>rd</sup> and 4<sup>th</sup> revision-petitioners herein filed A.S.M.P.No.1380 of 2012 in A.S.No.934 of 2002 on the file of High Court of Andhra Pradesh and they signed the affidavit of the said application on 30.07.2012 and in the said affidavit they pleaded about the Will, dated 09.11.2005. The affidavit in the present application was filed by 3<sup>rd</sup> revision-petitioner on his behalf and as well as on behalf of other revision-petitioners herein and she stated that she gave the affidavit on her behalf and on behalf of the 4<sup>th</sup> petitioner also and stated that they recently only came to know about the Will and therefore, the application couldn't be not filed within the time, to implead the legal representatives of the deceased plaintiff No.1.

8. In **Maniben Devraj Shah vs. Municipal Corporation of Brihan Mumbai**<sup>1</sup>, their Lordships at para-Nos.23 and 24 held as under:

“23. What needs to be emphasised is that even though a liberal and justice oriented approach is required to be adopted in the exercise of power under Section 5 of the Limitation Act and other similar statutes, the Courts can neither become oblivious of the fact that the successful litigant has acquired certain rights on the basis of the

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<sup>1</sup> (2012) 5 Supreme Court Cases 157.



judgment under challenge and a lot of time is consumed at various stages of litigation apart from the cost.

24. What colour the expression “sufficient cause” would get in the factual matrix of a given case would largely depend on *bona fide* nature of the explanation. If the Court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack *bona fides*, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay.”

9. Admittedly, in the affidavit, as held by the Trial Court, was signed on 01.02.2013. Whereas the affidavit filed before the High Court of Andhra Pradesh was signed on 02.07.2012. In those circumstances, the Trial Court held that the reason given for causing delay is false, as the petitioners had knowledge about the Will even by the date of filing the affidavit before the High Court of Andhra Pradesh. Hence, the question of considering the same as sufficient reason does not arise, when the reason assigned by the revision-petitioners is found to be false and in the circumstances of the case, it cannot be considered as sufficient reason to condone the delay.





10. In an application filed under Section 5 of the Limitation Act, 1963, if, the cause for the delay given by the applicant is found false, then it would be legitimate for the Court not to condone the delay. Otherwise, it would defeat the rights acquired by the other party.

11. The learned Trial Court rightly dismissed the application as the reason for delay is found false. Therefore, in the light of above circumstances, there are no grounds to interfere with the Order passed by the learned Trial Court.

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

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

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**B.V.L.N.CHAKRAVARTHI, J**

20<sup>th</sup> June, 2023.

**Note:**

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B/o.  
DNB