

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**

**FRIDAY, THE TWENTY THIRD DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY TWO**

**PRESENT**

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND**

**C.R.P.Nos.1886, 1887 & 1888 OF 2022**

**C.R.P.No: 1886 OF 2022:**

**Between:**

1. Devanaboyina Lakshmi Samrajyam died, (Died) (Plaintiff No.1) W/o. Subrahmanyam, Hindu, Female, aged 67 years, Housewife, Resident of Penikeedu, Bapulapadu Mandal, Krishna District. (Died)
2. Smt. Konatham Subrahmanyeswaramma, (Plaintiff No.3) P. W/o. Prabhudas, Hindu, Female, aged 49 years, Marrivada village, Pamidimukkala Mandal, Krishna District.
3. Sri Nersu Suryanarayana, (Plaintiff No.4) S/o. late. Maddi Ramaiah, Hindu, Male, aged 61 years, Cultivation, Epuru, Pedapadu Mandal, W.G.Dt.,
4. Sri Devanaboyina Subrahmanyam, Plaintiff No.5 S/o. Venkatachalam, Hindu, Male, aged 75 years, Properties, R/o. D.No.1-7, Penikeedu, Bapulapadu Mandal, Krishna District, Aadhaar No. 5420 8432 4889, Mobile No. 94929 25988.
5. Sri Devanaboyina Praveen Kumar, (Plaintiff No.6) S/o. Subrahmanyam, Hindu, Male, aged 46 years, Computer Operator, R/o. D.No. 1-17-812, New 1-7-275, 1st floor, Chaintanyapuri, beside Genius Grammar School, Dilshuknagar, Hyderabad, Rangareddy District, Aadhaar No. 7834 1337 8962, Mobile No. 99124 40803
6. Sri Devanaboyina Leela Vara Prasad, (Plaintiff No.7) S/o. Subrahmanyam, Hindu, Male, aged 43 years, Business, R/o. D.No. 1-7/1, Penikeedu, Bapulapadu Mandal, Krishna District, Aadhaar No. 8772 0808 1144,
7. Smt. Devanaboyina Lakshmi, (Plaintiff No.8) D/o. Subrahmanyam, Hindu, Female, aged 36 years, Business, R/o. D.No. 1-7/1, Penikeedu, Bapulapadu Mandal, Krishna District, Aadhaar No. 5650 6967 8532, Mobile No. 96661 28809.

**...REVISION PETITIONERS / PLAINTIFFS  
AND**

1. Sri Nersu Veeraiah, (D1) S/o. late. Maddi Ramaiah, Hindu, Male, aged 71 years, Cultivation, Epuru, Pedapadu Mandal, W.G.Dt.
2. Sri Nersu Laxminarayana, (D2) S/o. Veeraiah, Hindu, Male, aged 39 years, Mechanic, EPURU. Pedapadu Mandal, W.G.Dt.
3. Smt. Gunduboyina Drowpadhi, (D3) W/o. Mallikharjuna Rao, Hindu, Female, aged 37 years, Housewife, Tukkuluru, Nuzividu Mandal, Krishna District.

4. Smt. Kolusu Vijayalaxmi, (D4) W/o. Veerraju, Hindu, Female, aged 35 years, Housewife, Andreyapuram, Epuru, Pedapadu Mandal, W.G.Dt.
5. Sri Nersu Satyanarayana, (D5) S/o. late. Maddi Ramaiah, Hindu, Male, aged 63 years, Cultivation, EPURU, Pedapadu Mandal, W.G.Dt.
6. Sri Nersu Nagaraju, (D6) S/o. Satyanarayana, Hindu, Male, aged 33 years, Mechanic, EPURU, Pedapadu Mandal, West Godavari District.
7. Sri Nersu Srikanth, (D7) S/o. Satyanarayana, Hindu, Male, aged 28 years, EPURU. Pedapadu Mandal, W.G.Dt.
8. Sri Nersu Srinivasa Rao, (D8) S/o. Suryanarayana, Hindu, Male, aged 28 years, Cultivation, Vanukuru (V), Penamaluru Mandal, Krishna District.
9. Smt. Manimukkula Nagamani, (D9) W/o. Rambabu, Hindu, Female, aged 31 years, Cultivation, Vanukuru (V), Penamaluru Mandal, Krishna District.
10. Sri Nersu Krishna Rao, (D10) S/o. late. Maddi Ramaiah, Hindu, Male, aged 57 years, EPURU. Pedapadu Mandal, W.G.Dt.
11. Sri Nersu Suresh, (D11) S/o. Krishna Rao Hindu, Male, aged 27 years, EPURU. Pedapadu Mandal, W.G.Dt.
12. Smt. Dokku Laxmi Sakuntala, (D12) W/o. Veera Venkata Shivaji Babu, Hindu, Female, aged 30 years, Housewife, EPURU. Pedapadu Mandal, W.G.Dt.
13. Sri Sambangi Sravan Kumar, (D13) S/o. Satyanarayana, Hindu, Male, aged 62 years, Cultivation, Vasanthavada, Pedapadu Mandal, W.G.Dt.
14. Smt. Nersu Siva Parvathi, (D14) W/o. (late) Nersu Venkata Narasimha Rao, Hindu, Female, aged 52 years, Housewife, Resident of Epuru, Pedapadu Mandal.
15. Nersu Murali, (D15) S/o. late. Venkata Narasimha Rao, Hindu, Male, aged 30 years, resident of EPURU, Pedapadu Mandal.
16. Nersu Ganapathi, (D16) S/o. late. Venkata Narasimha Rao, Hindu, Male, aged 16 years, Student, Resident of Epuru, Pedapadu Mandal.

**... RESPONDENTS / RESPONDENTS**

17. Smt. Goriparthi Veeramma, (Plaintiff No.2) W/o. Pothuraju, Hindu, Female, aged 65 years, Housewife, Resident of Epuru, Pedapadu Mandal, W.G.Dt.,

**...RESPONDENTS / DEFENDANTS**

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, aggrieved by the order of dismissal in I.A.No.554/2022 in O.S.No.206/2012, dated 21/07/2022 passed by Principal Senior Civil Judge's Court, Eluru.

**IA NO: 1 OF 2022**

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 may be pleased to pass Order by granting stay of operation of the Order passed by the Principal Senior Civil Judge, Eluru District, Eluru, in I.A.No.554/2022 in O.S.No.206/2022, dt.21/07/2022.

**C.R.P.No: 1887 OF 2022:**

**Between:**

1. Smt. Devanaboyina Lakshmi Samrajyam(Died) (Plaintiff No.1), W/o. Subrahmanyam, Hindu, Female, aged 67 years, Housewife, Resident of Penikeedu, Bapulapadu Mandal, Krishna District. (Died)
2. Smt. Konatham Subrahmanyeswaramma (Plaintiff No.3), W/o. Prabhudas, Hindu, Female, aged 49 years, Marrivada village, Pamidimukkala Mandal, Krishna District.
3. Sri Nersu Suryanarayana (Plaintiff No.4), S/o. late. Maddi Ramaiah, Hindu, Male, aged 61 years, Cultivation, Epuru, Pedapadu Mandal, W.G.Dt.,
4. Sri Devanaboyina Subrahmanyam (Plaintiff No.5), S/o. Venkatachalam, Hindu, Male, aged 75 years, Properties, R/o. D.No1 -7, Penikeedu, Bapulapadu Mandal, Krishna District, Aadhaar No 5420 8432 4889, Mobile No 94929 25988.
5. Sri Devanaboyina Praveen Kumar (Plaintiff No.6), S/o. Subrahmanyam, Hindu, Male, aged 46 years, Computer Operator, R/o. D.No 1-17-812, New 1-7-275, 1 floor, Chaintanyapuri, beside Genius Grammar School, Dilshuknagar, Hyderabad, Rangareddy District, Aadhaar No 7834 1337 8962, Mobile No99124 40803
6. Sri Devanaboyina Leela Vara Prasad (Plaintiff No.7, S/o. Subrahmanyam, Hindu, Male, aged 43 years, Business, R/o. D.No 1-7/1, Penikeedu, Bapulapadu Mandal, Krishna District, Aadhaar No 8772 08081144, Mobile No 88977 63803.
7. Smt.Devanaboyina Lakshmi (Plaintiff No.8), D/o. Subrahmanyam, Hindu, Female, aged 36 years, Business, R/o. D.No 1-7/1, Penikeedu, Bapulapadu Mandal, Krishna District, Aadhaar No 5650 6967 8532, Mobile No 96661 28809.

**...REVISION PETITIONERS / PLAINTIFFS  
AND**

1. Sri Nersu Veeraiah (D1), S/o. late. Maddi Ramaiah, Hindu, Male, aged 71 years, Cultivation, Epuru, Pedapadu Mandal, W.G.Dt.
2. Sri Nersu Laxminarayana (D2), S/o. Veeraiah, Hindu, Male, aged 39 years, Mechanic, EPURU. Pedapadu Mandal, W.G.Dt.
3. Smt. Gunduboyina Drowpadhi (D3), W/o. Mallikharjuna Rao, Hindu, Female, aged 37 years, Housewife, Tukkuluru,
4. Smt. Kolusu Vijayalaxmi (D4), W/o. Veerraju, Hindu, Female, aged 35 years, Housewife, Andreyapuram, Epuru, Pedapadu Mandal, W.G.Dt.
5. Sri Nersu Satyanarayana (D5), S/o. late. Maddi Ramaiah, Hindu, Male, aged 63 years, Cultivation, EPURU, Pedapadu Mandal, W.G.Dt.
6. Sri Nersu Nagaraju (D6), S/o. Satyanarayana, Hindu, Male, aged 33 years, Mechanic, EPURU, Pedapadu Mandal, West Godavari District.
7. Sri Nersu Srikanth (D7), S/o. Satyanarayana, Hindu, Male, aged 28 years, EPURU. Pedapadu Mandal, W.G.Dt.
8. Sri Nersu Srinivasa Rao (D8), S/o. Suryanarayana, Hindu, Male, aged 28 years, Cultivation, Vanukuru (V), Penamaluru Mandal, Krishna District.
9. Smt. Manimukkula Nagamani (D9), W/o. Rambabu, Hindu, Female, aged 31 years, Cultivation, Vanukuru (V), Penamaluru Mandal, Krishna District.

10. Sri Nersu Krishna Rao (D10), S/o. late. Maddi Ramaiah, Hindu, Male, aged 57 years, EPURU. Pedapadu Mandal, W.G.Dt.
11. Sri Nersu Suresh (DI 1), S/o. Krishna Rao , Hindu, Male, aged 27 years, EPURU. Pedapadu Mandal, W.G.Dt.
12. Smt. Dokku Laxmi Sakuntala (D12), W/o. Veera Venkata Shivaji Babu, Hindu, Female, aged 30 years, Housewife, EPURU. Pedapadu Mandal, W.G.Dt.
13. Sri Sambangi Sravarr Kumar (D13), S/o. Satyanarayana, Hindu, Male, aged 62 years, Cultivation, Vasanthavada, Pedapadu Mandal, W.G.Dt.
14. Smt. Nersu Siva Parvathi (D14), W/o. (late) Nersu Venkata Narasimha Rao, Hindu, Female, aged 52 years, Housewife, Resident of Epuru, Pedapadu Mandal
15. Nersu Murali (D15), S/o. late. Venkata Narasimha Rao, Hindu, Male, aged 30 years, resident of EPURU, Pedapadu Mandal
16. Nersu Ganapathi (016), S/o. late. Venkata Narasimha Rao, Hindu, Male, aged 16 years, Student, Resident of Epuru, Pedapadu Mandal.

**... RESPONDENT / RESPONDENT**

17. Smt. Goriparthi Veeramma (Plaintiff No.2), W/o. Pothuraju, Hindu, Female, aged 65 years, HouseWife, Resident of Epuru, Pedapadu Mandal, W.G.Dt.,

**...RESPONDENTS / DEFENDANTS**

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, aggrieved by the Order of Dismissal in I.A.No.553 of 2022 in O.S.No.206 of 2012 dated 21/07/2022, passed by the Principal Senior Civil Judge, Eluru District, Eluru,

**IA.No: 1 of 2022:**

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 may be pleased to pass order by granting stay of operation of the Order passed by the Principal Senior Civil Judge, Eluru District, Eluru, in I.A.No.553/2022 in O.S.No.206/2022, dt.21/07/2022.

**C.R.P.No: 1888 of 2022:**

**Between:**

1. Smt. Devanaboyina Lakshmi SAMRAJYAM (DIED), W/o. Subrahmanyam, Hindu, Female, aged 67 years, Housewife, Resident of Penike'edu, Bapulapadu Mandal, Krishna District.
2. Smt. Konatham Subrahmanyeswaramma, W/o. Prabhudas, Hindu, Female, aged 49 years, Marrivada village, Pamidimukkala Mandal, Krishna District.
3. Sri Nersu Suryanarayana, S/o. late. Maddi Ramaiah, Hindu, Male, aged 61 years, Cultivation, Epuru, Pedapadu Mandal, W.G.Dt.,
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7. Smt. Devanaboyina Lakshmi, D/o. Subrahmanyam, Hindu, Female, aged 36 years, Business, R/o. D.No. 1-7/1, Penikeedu, Bapulapadu Mandal, Krishna District, Aadhaar No. 5650 6967 8532, Mobile No. 96661 28809.

**...PETITIONERS**

**AND**

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2. Sri Nersu Laxminarayana, S/o. Veeraiah, Hindu, Male, aged 39 years, Mechanic, EPURU. Pedapadu Mandal, W.G.Dt. (D2)
3. Snit. Gunduboyina Drowpadhi, (D3) W/o. Mallikharjuna Rao, Hindu, Female, aged 37 years, Housewife, Tukkuluru, Nuzivid mandal, Krishna District
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16. Nersu Ganapathi (D16), S/o. late. Venkata Narasimha Rao, Hindu, Male, aged 16 years, Student, Resident of Epuru, Pedapadu Mandal.
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**IA NO: 1 OF 2022**

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**Counsel for the Petitioners in all C.R.Ps: SRI G. RONALD RAJU**

**Counsel for the Respondents in all C.R.Ps: NONE APPEARED**

**The Court made the following Common Order:**

**THE HON'BLE SRI JUSTICE BATTU DEVANAND****C.R.P. Nos.1886, 1887 & 1888 of 2022****COMMON ORDER:**

These Civil Revision Petitions have been filed against the Orders dated 21.07.2022 passed by the Senior Civil Judge, Eluru, West Godavari, in I.A.Nos.554, 553 and 552 of 2022 in O.S.No.206 of 2012.

2) Heard learned Counsel for the Petitioners and perused the material available on record.

3) The Petitioners are the Plaintiffs and the respondents are the defendants in the trial Court.

4) The case of the petitioners is that they filed O.S.No.206 of 2012 for partition of the plaint schedule properties into 8 equal shares and allot one such share to each plaintiff. Thereafter, they filed I.A.No.552, 553 and 554 of 2022 to reopen the suit and to receive the documents and recall PW.2 to mark the documents. The trial Court, on erroneous

consideration of the facts, dismissed the said petitions. Challenging the same, the present Civil Revision Petitions are filed.

5) Learned counsel for the petitioners submits that the order of the trial Court is illegal, arbitrary and contrary to law. The trial Court ought to have allowed all these petitions as the petitioners filed authenticated additional documents, which are required for the proper adjudication of the matter. The trial Court ought to have followed the principles laid down by the Hon'ble Supreme Court of India in Sugandhi (dead) by L.Rs and Another Vs. P. Rajkumar in Civil Appeal No.3427 of 2020. Therefore, the petitioners prays to allow these Civil Revision Petitions.

6) Having heard the submissions of the learned counsel for the petitioners and upon perusal of the material available on record, it appears, the petitioners filed I.A.No.552, 553 and 554 of 2022 to reopen the evidence of the plaintiffs, to receive the documents and to recall PW.2 to mark the documents. The trial Court passed reasoned Order in



I.A.No.552 of 2022. The reasons urged in those petitions is that the petitioner No.1/deceased 1<sup>st</sup> plaintiff obtained certified copies of the documents filed herewith, but kept them in a secured place and she filed Xerox copies and hence those Xerox Copies of the documents are not marked. On perusal of the material available on record, the deceased Lakshmi Samrajyam got examined herself as Pw.1 and the 3<sup>rd</sup> Petitioner as Pw.2. The trial Court in its Order rightly held that the documents filed now could have been filed either along with the plaint or before settlement of the issues. Even at the time of the examination of the said Lakshmi Samrayam ( 1<sup>st</sup> Plaintiff), she ought to have been vigilant and could have filed the documents. Pws. 1 and 2 came into witness box in the year 2018. After lapse of four years without proper reason and justification filed the above said petitions and the reasons urged by the petitioners are not at all satisfactory. Therefore, the present Civil Revision Petitions are devoid of merits and they are liable to be dismissed.

7) On careful consideration of the order passed by the trial Court, this Court is of the opinion that there is no any infirmity or illegality in the orders passed by the trial Court in dismissing the applications of the petitioners, and as such, in our view, no interference is required.

8) Accordingly, these Civil Revision Petitions are dismissed.

9) There shall be no order as to costs.

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

//TRUE COPY//

SD/- P. VINOD KUMAR  
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri G Ronald Raju, Advocate [OPUC]
2. The Section Officer, V.R Section, High Court of A.P at Amaravathi
3. Two CD Copies

GLM  
sree

*N. S. S. S.*

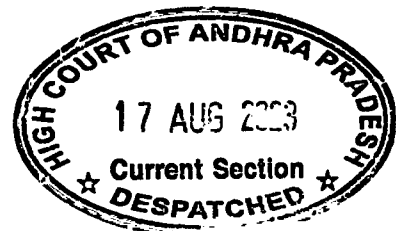
**HIGH COURT**

**DATED:23/09/2022**

**COMMON ORDER:**

**C.R.P.Nos.1886, 1887 & 1888 OF 2022**

*4 copies  
N.S.R.  
15/9/23*



**DISMISSING THE C.R.Ps  
WITHOUT COSTS.**