



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3460]

**WEDNESDAY, THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

CIVIL REVISION PETITION NO: 1891/2023

Between:

Smt. Nidadavolu Seetha Ratnamma & Others ...PETITIONER(S)

AND

Adabala Raghavendra Rao & Others ...RESPONDENT(S)

Counsel for the Petitioner(S):

1. P S P SURESH KUMAR

Counsel for the Respondent(S):

1. Y MAHA LAKSHMI

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

CIVIL REVISION PETITION NO.1891 of 2023

ORDER:

1. The present Civil Revision Petition is filed questioning the Order dated 05.07.2023 in I.A.No.282 of 2023 in O.S.No.298 of 2014 passed by the Principal Senior Civil Judge, Gudivada, Krishna District.
2. The Petitioners herein are the Plaintiffs 1 and 2 in the suit.
3. In the plaint, it was pleaded that the original Plaintiff/Petitioner No.1 and Defendant Nos.1, 2, 7 to 10 and one late Jyothi are the children of late Jayaramayya and late Seetha Mahalaxmi. The Defendant Nos.3 to 7 are the legal heirs of the deceased sister of the original Plaintiff late Jyothi. The father of the Plaintiff had purchased an extent of 542 Sq. Yards in the name of his mother i.e. Seetha Mahalaxmi by way of a registered Sale Deed *vide* document bearing No.2235/1961, dated 25.04.1961 and had paid the entire sale consideration. The Sale Deed was said to be nominally registered in the name of the mother of the Plaintiff. The parents of the Plaintiff resided in the scheduled property after constructing a house bearing H.No.19/216-B3.
4. After the demise of their father, the Defendant No.7 was residing in the said premises along with his mother till 1978. While so, the mother of the Plaintiff is said to have executed a registered Gift Settlement Deed dated 31.08.1978 in respect of the suit schedule property in favour of the Defendant No.10. It was pleaded that as the property was said to have purchased by the father of the Plaintiff with their own funds since he died intestate, the mother of the Plaintiff did

not have any right to execute a Gift Settlement Deed in entirety in favour of the Defendant No.10, Hence, the suit was filed to declare the said Gift Settlement Deed as null and void and for partition. During pendency of the suit, the original Plaintiff died and Petitioner No.2 was brought on record.

5. The Defendant Nos.2 and 10 filed their joint written statement disputing the claim of the Plaintiff. The written statement filed by the Defendant Nos.2 & 10 was adopted by other Defendants. The additional written statement of Defendant No.19 was also adopted by most of the defendants.

6. While so, an application was filed by the Respondent No.1 herein seeking to come on record on the ground that the suit schedule property was registered in his favour on 25.10.2021.

7. In the affidavit filed in support of the application, it was pleaded that the Gift Settlement Deed was executed in favour of one of the sisters of Defendant No.10 on 31.08.1978 to provide some security as she was not married at that point of time. A suit was also filed by the Defendant No.10 against the Defendant No.7 as he had set up a false claim in the suit schedule property *vide* O.S.No.171 of 1983 before the Subordinate Judge, Gudivada. The said suit was decreed and confirmed by this Court in A.S.No.418 of 1991 on 21.06.2013. The property was delivered to the Defendant No.10 in E.P.No.142 of 2013 therein and the Defendant No.10 was in absolute possession of the property ever since.

8. The Defendant No.10 was blessed with two children i.e. one daughter and a son. During her life time, the Defendant No.10 had executed a Gift Deed in favour of her daughter *vide* document bearing No.787 of 2017 on 06.02.2017 and the remaining property was given to

her by way of un-registered Gift Settlement Deed dated 26.09.2018. The Defendant No.10 died on 11.05.2019 without revoking the final Will. The children of Defendant No.10 jointly agreed to sell the schedule property in favour of Respondent No.1 for Rs.33,73,000/- and after receiving the said agreed amount, the schedule property was registered on 25.10.2021. A counter running into 9 pages was filed only denying every paragraph of the application filed by the Petitioner.

9. The trial Court after considering the respective contentions allowed the application *vide* impugned order and hence the present Civil Revision Petition is filed.

10. Heard Sri P.S.P. Suresh Kumar, learned counsel for the Petitioner and M/s. Y. Maha Lakshmi, learned counsel for the Respondents.

11. The only contention that was raised was that the registered Sale Deed was not filed along with the application and therefore the impugned order cannot be sustained. The further plea was that the Respondent No.1 being a *pendente lite* purchaser cannot come on record. The counsel for the Respondents contended in support of the impugned order.

12. In the opinion of this court, there is no absolute bar for the trial Court to prohibit the *pendente lite* purchaser to come on record and in a case like this where the entire suit schedule property is said to be in possession of the Respondent No.1 pursuant to a registered Sale Deed dated 25.10.2021, the Respondent No.1 cannot be said to be not a proper or necessary party to the suit. The mere non-filing of the sale document *per se* cannot be a ground to maintain the present Civil Revision Petition as these are verifiable facts from the office of the Sub-Registrar. Since the Respondent No.1 seeks to come on record on

the strength of the registered Sale Deed dated 25.10.2021, the impugned order will be subject to the production of the registered Sale Deed as claimed in the affidavit.

13. It is inevitable for this court to make an observation regarding the 15 page impugned interlocutory order (10 pages excluding the cause title). These lengthy orders repeating pleadings and contentions put not only stress on the Presiding Officer and also the sub-staff and consequently have a telling effect on the disposal rate. ***In Re: Right to Privacy of Adolescents 2024 INSC 614***, the Hon'ble Supreme Court observed that ***"Brevity is the hallmark of quality judgment. We must remember that judgment is neither a thesis nor a piece of literature."*** Considering the nature of application and the discretion provided to the Civil Court under the Code, unnecessary lengthy orders should be avoided.

14. With the above observation, the Civil Revision Petition is disposed of.

There shall be no order as to costs. As a sequel, pending applications, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 12.02.2025

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

CIVIL REVISION PETITION NO.1891 of 2023

Date: 12.02.2025

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