

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
PRESENT
THE HONOURABLE SRI JUSTICE HARINATH.N
CIVIL REVISION PETITION NOs: 2075, 2076 and 2077 of 2022

+CRP.No.2075 of 2022

%21.01.2026

Between:

1. GOGULAPALLI KHADAR MOHIDDIN DIED, (DIED)
2. GOGULAPALLI KHAR BASHA, (DIED)
3. GOGULAPALLI @ SHAIK RASOOL BEE,, W/O KHADAR MOHIDDIN, AGED 65 YEARS, MUSLIM, HOUSE WIFE, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
4. GOGULAPALLI @ SHAIK MOHIDDIN, S/O KHADAR MOHIDDIN, AGED 49 YEARS, MUSLIM, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
5. GOGULAPALLI @ SHAIK MEERA BEE,, D/O KHADAR MOHIDDIN, AGED 42 YEARS, MUSLIM, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
6. GOGULAPALLI @ SHAIK MAHABOOB BASHA,, S/O KHADAR MOHIDDIN, AGED 40 YEARS, MUSLIM, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
7. GOGULAPALLI I@ SHAIK ANSAR JAN,, D/O KHADAR MOHIDDIN, AGED 39 YEARS, MUSLIM, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
8. GOGULAPALLI @ SHAIK MAHABOOB SUBHANI,, S/O KHADAR MOHIDDIN, AGED 30 YEARS, MUSLIM, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
9. GOGULAPALLI @ SHAIK SHAFIYA, GOGULAPALLI @ SHAIK SHAFIYA, W/O MOHIDDIN, AGED 42 YEARS, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
10. SHAIK SALAUDDIN, SHAIK SALAUDDIN, S/O MOHIDDIN, AGED 27 YEARS, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
11. SHAIK NASEEMA, SHAIK NASEEMA, D/O MOHIDDIN, AGED 23 YEARS, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.

...PETITIONER(S)

AND

1. GOGULAPALLI KHADAR DIED, S/O LATE NASURUDDIN, MUSLIM, AGED 81 YEARS, BUSINESS, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
2. GOGULAPALLI PETHA NAZEER, S/O. GOGULAPALLI

KHADAR, R/O. D.NO.8/59, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.

3. GOGULAPALLI CHINNA NAZEER BASHA, S/O. GOGULAPALLI KHADAR, R/O. D.NO.8/59, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
4. SHAIK KHADAR UNEESA, D/O. GOGULAPALLI KHADAR, R/O. D.NO.8/59, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
5. SHAIK FATHIMA, D/O. GOGULAPALLI KHADAR, R/O. D.NO.8/59, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioners: Sri. NARASIMHA RAO GUDISEVA

Counsel for Respondents : None

<Gist:

>Head Note:

? Cases referred:

1. AIR 1983 SC 355
2. AIR 1985 SC 606
3. AIR 1987 SC 1353

This Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N
CIVIL REVISION PETITION NOS: 2075, 2076 and 2077 of 2022

CRP.No.2075 of 2022

Between:

1. GOGULAPALLI KHADAR MOHIDDIN DIED, (DIED)
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3. GOGULAPALLI @ SHAIK RASOOL BEE,, W/O KHADAR MOHIDDIN, AGED 65 YEARS, MUSLIM, HOUSE WIFE, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
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...PETITIONER(S)

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3. GOGULAPALLI CHINNA NAZEER BASHA, S/O.

GOGULAPALLI KHADAR, R/O. D.NO.8/59, NAVABMITT,
PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.

4. SHAIK KHADAR UNEESA, D/O. GOGULAPALLI KHADAR, R/O.
D.NO.8/59, NAVABMITT, PODILI VILLAGE AND MANDAL,
PRAKASAM DISTRICT.

5. SHAIK FATHIMA, D/O. GOGULAPALLI KHADAR, R/O.
D.NO.8/59, NAVABMITT, PODILI VILLAGE AND MANDAL,
PRAKASAM DISTRICT.

...RESPONDENT(S):

DATE OF COMMON ORDER PRONOUNCED: 21.01.2026

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE HARINATH.N

1. Whether Reporters of Local newspapers may
be allowed to see the Judgments? Yes/No
2. Whether the copies of order may be marked
to Law Reporters/Journals? Yes/No
3. Whether Your Lordships wish to see the fair
copy of the order?

Yes/No

JUSTICE HARINATH.N

APHC010542552022



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

[3457]

WEDNESDAY, THE TWENTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE HARINATH.N
CIVIL REVISION PETITION NOs: 2075, 2076 and 2077 of 2022**

CRP.No.2075 of 2022

Between:

1. GOGULAPALLI KHADAR MOHIDDIN DIED, (DIED)
2. GOGULAPALLI KHAR BASHA, (DIED)
3. GOGULAPALLI @ SHAIK RASOOL BEE,, W/O KHADAR MOHIDDIN, AGED 65 YEARS, MUSLIM, HOUSE WIFE, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
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...PETITIONER(S)

AND

- 1.GOGULAPALLI KHADAR DIED, S/O LATE NASURUDDIN, MUSLIM, AGED 81 YEARS, BUSINESS, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
- 2.GOGULAPALLI PETHA NAZEER, S/O. GOGULAPALLI KHADAR, R/O. D.NO.8/59, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
- 3.GOGULAPALLI CHINNA NAZEER BASHA, S/O. GOGULAPALLI KHADAR, R/O. D.NO.8/59, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
- 4.SHAIK KHADAR UNEESA, D/O. GOGULAPALLI KHADAR, R/O. D.NO.8/59, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
- 5.SHAIK FATHIMA, D/O. GOGULAPALLI KHADAR, R/O. D.NO.8/59, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.

...RESPONDENT(S):

Petition under Article 227 of the Constitution of India,praying that in the circumstances stated in the grounds filed herein,the High Court may be pleased toaggrieved by order dated 07-07-2022 in 1.A. Nos. 16 of 2021 in O.S.No. 58/2009 on the file of the Court of the Senior Civil Judge, Darsi, Prakasam District

IA NO: 1 OF 2024

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 to condone the delay of 352 days in filing the present Petition to bring the Legal Representatives of deceased 4th Petitioner and pass

IA NO: 2 OF 2024

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 to set aside the abetment caused due to death of the sole Respondent and pass

IA NO: 3 OF 2024

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 to bring the proposed Respondent Nos. 2 to 5 as the Respondents 2 to 5 being the legal representatives of deceased 1st Respondent in the main C.R.P.No.2075/2022 and in all Interlocutory Applications and pass

IA NO: 4 OF 2024

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 to set aside the abetment caused due to death of the 4th Petitioner and pass

IA NO: 5 OF 2024

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 to bring the proposed Petitioner Nos. 9 to 11 as the Petitioner Nos. 9 to 11 being the Legal Representatives of deceased 4th Petitioner in the main C.R.P.No.2075/2022 and in all Interlocutory Applications and pass

Counsel for the Petitioner(S):

1.NARASIMHA RAO GUDISEVA

Counsel for the Respondent(S):

1.NONE

CRP. No. 2076/2022

Between:

1. GOGULAPALLI KHADAR MOHIDDIN DIED, DIED
2. GOGULAPALLI KHAR BASHA, (DIED)
3. GOGULAPALLI SHAIK RASOOL BEE, W/O KHADAR MOHIDDIN, AGED 65 YEARS, MUSLIM, HOUSE WIFE, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
4. GOGULAPALLI SHAIK MOHIDDIN, S/O KHADAR MOHIDDIN, AGED 49 YEARS, MUSLIM, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
5. GOGULAPALLI SHAIK MEERA BEE,, D/O KHADAR MOHIDDIN, AGED 42 YEARS, MUSLIM, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
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- 10.SHAIK SALAUDDIN, SHAIK SALAUDDIN, S/O MOHIDDIN, AGED 27 YEARS, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
- 11.SHAIK NASEEMA, SHAIK NASEEMA, D/O MOHIDDIN, AGED

23 YEARS, PODILI VILLAGE AND MANDAL, PRAKASAM
DISTRICT.

...PETITIONER(S)

AND

1. GOGULAPALLI KHADAR DIED, GOGULAPALLI KHADAR, S/O LATE NASURUDDIN MUSLIM, AGED 81 YEARS, BUSINESS, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT
2. GOGULAPALLI PETHA NAZEER, S/O. GOGULAPALLI KHADAR, R/O. D.NO.8/59, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
3. GOGULAPALLI CHINNA NAZEER BASHA, S/O. GOGULAPALLI KHADAR, R/O. D.NO.8/59, NAVABMITT, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
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...RESPONDENT(S):

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside order dated 07-07-2022 in I.A. No. 17 of 2021 in O.S.No. 58/2009 on the file of the Court of the Senior Civil Judge, Darsi, Prakasam District, consequently allow the I.A.No. 17/2021 by set aside the order of abatement and pass

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 to dispense with the ca Per filing of Certified Copy of order dated 07-07-2022 in I.A.No.17/2021 in O.S.No. 58/2009 on the file of the court of the Senior Civil Judge, Darsi and pass

IA NO: 1 OF 2024

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 to condone the delay of 351 days in filing the present Petition to bring the Legal Representatives of deceased 4th Petitioner and pass

IA NO: 2 OF 2024

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 to set aside the abetment caused due to death of the 4th Petitioner and pass

IA NO: 3 OF 2024

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 to bring the proposed Petitioner Nos. 9 to 11 as the Petitioner Nos. 9 to 11 being the Legal Representatives of deceased 4th Petitioner in the main C.R.P.No.2076/2022 and in all Interlocutory Applications and pass

IA NO: 4 OF 2024

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 to set aside the abetment caused due to death of the sole Respondent and pass

IA NO: 5 OF 2024

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 to bring the proposed Respondent Nos. 2 to 5 as the Respondents 2 to 5 being the legal representatives of deceased 1st Respondent in the main C.R.P.No.2076/2022 and in all Interlocutory Applications and pass

Counsel for the Petitioner(S):

1.NARASIMHA RAO GUDISEVA

Counsel for the Respondent(S):

1.NONE

CRP. NO: 2077/2022

Between:

1. GOGULAPALLI KHADAR MOHIDDIN DIED, (DIED)
2. GOGULAPALLI KHAR BASHA, (DIED)
3. GOGULAPALLI @ SHAIK RASOOL BEE, W/O KHADAR MOHIDDIN, AGED 65 YEARS, MUSLIM, HOUSE WIFE, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
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7. GOGULAPALLI@ SHAIK ANSAR JAN, D/O KHADAR MOHIDDIN, AGED 39 YEARS, MUSLIM, PODILI VILLAGE

AND MANDAL, PRAKASAM DISTRICT.

8. GOGULAPALLI @ SHAIK MAHABOOB SUBHANI, S/O KHADAR MOHIDDIN, AGED 30 YEARS, MUSLIM, PODILI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
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...RESPONDENT(S):

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside order dated 07-07-2022 in I.A. No. 18 of 2021 in O.S.No. 58/2009 on the file of the Court of the Senior Civil Judge, Darsi, Prakasam District, consequently allow the I.A.No. 18/2021 by bringing the Petitioner Nos. 3 to 8 as Legal Representatives of 1st Plaintiff and pass

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 to dispense with the filing of Certified Copy of Order dated 07-07-2022 in I.A.No.18/2021 in

O.S.No. 58/2009 on the file of the court of the Senior Civil Judge, Darsi and pass

IA NO: 1 OF 2024

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 to condone the delay of 352 days in filing the present Petition to bring the Legal Representatives of deceased 4th Petitioner and pass

IA NO: 2 OF 2024

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 to set aside the abetment caused due to death of the sole Respondent and pass

IA NO: 3 OF 2024

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 to bring the proposed Respondent Nos. 2 to 5 as the Respondents 2 to 5 being the legal representatives of deceased 1st Respondent in the main C.R.P.No.2077/2022 and in all Interlocutory Applications and pass

IA NO: 4 OF 2024

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 to set aside the abetment caused due to death of the 4th Petitioner and pass

IA NO: 5 OF 2024

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 to bring the proposed Petitioner Nos. 9 to 11 as the Petitioner Nos. 9 to 11 being the Legal Representatives of deceased 4th Petitioner in the main C.R.P.No.2077/2022 and in all Interlocutory Applications and pass

Counsel for the Petitioner(S):

1.NARASIMHA RAO GUDISEVA

Counsel for the Respondent(S):

1.NONE

The Court made the following Common Order :

THE HONOURABLE SRI JUSTICE HARINATH.N

CIVIL REVISION PETITION Nos.2075, 2076 and 2077 of 2022

COMMON ORDER :

1. The present civil revision petitions are filed, aggrieved by the common order dated 17.07.2022 passed by the learned Senior Civil Judge, Darsi.
2. The learned Judge dismissed the IA.No.16 of 2021, filed under Section 5 of the Limitation Act, 1963 seeking condonation of a delay of 2294 days. IA.No.17 of 2021 was filed under Order XXII Rule 9 of Code of Civil Procedure seeking to set aside the abatement of suit against the deceased plaintiff No.1. The petitioners also filed IA.No.18 of 2021 under Order XXII Rule 3 of Code of Civil Procedure seeking to add the petitioner Nos.3 to 8 in the suit as legal representatives of the deceased plaintiff No.1 and, consequentially, to permit amendment of the plaint. All the said applications were dismissed by the learned Judge by a common order.
3. The learned counsel for the petitioner submits that this Court, by order dated 18.10.2022, directed issuance of personal notice to the respondents. It is further submitted that the notices addressed to the respondents were refused by the addressees, and this Court has recorded the service on the respondents as

sufficient. There is no representation for the respondents when the matter is taken up for hearing today.

4. The short point for consideration is in the present Civil Revision Petitions is that whether the learned Senior Civil Judge, Darsi, has passed a reasoned order while dismissing the interlocutory applications filed by the petitioner ?
5. The learned counsel for the petitioner submits that OS.No.58 of 2009 was filed by the petitioner's father seeking partition of the family property, arraying the petitioner's grandfather as the sole defendant. During the pendency of the present Civil Revision Petitions, the defendant passed away. It is further submitted that the petitioner No.4 also passed away, and petitioner Nos.9 to 11 were brought on record as the legal representatives of the petitioner No.4.
6. The learned counsel for the petitioners submits that the learned Senior Civil Judge, Darsi, dismissed the interlocutory applications on the ground that the petitioners failed to explain the day-to-day delay while seeking condonation of 2294 days in filing the application to set aside the order of abatement.
7. It is submitted that the respondents before the trial Court did not filed counter; however, the learned Judge had dismissed the

interlocutory applications solely on the ground that the petitioners failed to explain the day-to-day delay of 2294 days.

8. It is also submitted that learned Judge got carried away by dismissal of CRP.No.3623 of 2012 filed before this Court by the legal representative of the deceased plaintiff No.2, challenging the order in IA.No.60 of 2010, which was filed seeking condonation of a delay of 850 days. It is submitted that, as on the date when the C.R.P. was taken up for hearing, OS.No.58 of 2009 had already been dismissed as abated, and consequently, the C.R.P. was dismissed as infructuous.
9. It is submitted that the petitioners were unaware of the pendency of the suit filed by their father seeking partition. Only after his demise on 22.03.2013, the petitioners came to know about the pendency of the suit, upon finding a copy of the plaint bearing the suit number in their house. Thereafter, they made enquiries regarding the suit and sought to pursue the same as legal heirs. Accordingly, interlocutory applications were filed to set aside the order of abatement, to implead the legal heirs as party plaintiffs, and to condone the consequential delay of 2294 days.
10. The learned counsel for the petitioner submits that in a suit for partition, the parties ought to be afforded adequate opportunity to adjudicate and determine their substantial rights in the family

property, and therefore, the learned Senior Civil Judge ought not to have harped on the technicalities. It is further submitted that a lenient view ought to have been taken by the learned Senior Civil Judge, Darsi, keeping in view the larger family interest involved in the family property.

11. The learned counsel for the petitioners places reliance on the Judgment of the Hon'ble Supreme Court of India in the matter of **Bhagwan Swaroop and others Vs. Mool Chand and others**¹

held at para 15 is as follows ;

.....15. The provision fixing a particular time for making an application for bringing legal representatives on record with the consequence of the suit or appeal abating if no application is made within time, have been enacted for expeditious disposal of cases in the interest of proper administration of justice. It is further to be borne in mind that when a suit or an appeal abates, is very valuable right accrues to the other party and such a right is not to be ignored or interfered with lightly in the name of doing substantial justice to the party, as depriving a party of a lawful right created in the interest of administration of justice in the absence of good grounds results in injustice to the party concerned. For doing justice to the parties, the Courts have consistently held that whenever sufficient cause is shown by a party at default in making an application for substitution, abatement will have to be set aside as the good cause shown for explaining the delay in making the application is sufficient justification, to deprive the other party of the right that may accrue to the other party as a result of the abatement of the suit or appeal. The Courts have also consistently ruled that laches or negligence furnish no proper grounds for setting aside the abatement. In such cases, a party guilty of negligence or laches must bear the consequences of his laches and negligence and must suffer. In appropriate cases, taking into consideration all the facts and circumstances of a case, the Court may set aside the abatement, even if there be slight negligence or minor laches in not making an application within the time provided an overall picture of the entire case, requires such course for furthering the cause of justice. When negligence and laches are established on

¹ AIR 1983 SC 355

the part of the party who seeks to set aside the abatement, the application of such a party should be entertained only in the rarest of cases for furthering the ends of justice only and on proper terms.

12. The learned counsel for the petitioners' places reliance on the Judgment of the Hon'ble Supreme Court of India in the matter of **Ram Sumiran and others Vs. D.D.C. and others**², the Hon'ble Supreme Court of India held that rural background of the petitioners therein was considered and lack of legal awareness amounts the litigants would have to be considered by the Courts while considering the applications for bringing the legal representatives on record and accordingly allowed the appeal and set aside the order of the High Court and directed that the abatement be set aside.
13. The learned counsel for the petitioners' places reliance on the Judgment of the Hon'ble Supreme Court of India in the matter of **Collector, Land Acquisition, Anantnag and another Vs. Mst.Katiji and others**³ held that the Court should have adopt the liberal approach while considering the condonation delay application and observed that ordinarily a litigant does not stand to benefit by lodging an appeal late refusing to condone the delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated and once

² AIR 1985 SC 606

³ AIR 1987 SC 1353

delay is condoned the cause would be decided on merits after hearing the parties. It also held that every day's delay must be explained. It does not mean that a pedantic approach should be made and that the said doctrine must be applied in a rational common sense pragmatic manner. The Hon'ble Supreme Court of India also observed that when substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

14. The Hon'ble Supreme Court also held at para Nos.5 and 6 is as follows ;

".....5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.

6. It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so. Making a justice-oriented approach from this perspective, there was sufficient cause for condoning the delay in the institution of the appeal. The fact that it was the 'State' which was seeking condonation and not a private party was altogether irrelevant. The doctrine of equality before law demands that all litigants, including the State as a litigant, are accorded the same treatment and the law is administered in an even handed manner. There is no warrant for according a stepmotherly treatment when the 'State' is the applicant praying for condonation of delay. In fact experience shows that on account of an impersonal machinery (no one in charge of the matter is directly hit or hurt by the judgment sought to be subjected to appeal) and the in-herited bureaucratic methodology imbued with the note-making, file pushing, and passing-on-the-buck ethos, delay on its part is less difficult to understand though more difficult to approve. In any event, the State which represents the

collective cause of the community, does not deserve a litigant-non-grata status. The Courts therefore have to be informed with the spirit and philosophy of the provision in the course of the interpretation of the expression "sufficient cause". So also the same approach has to be evidenced in its application to matters at hand with the end in view to do even handed justice on merits in preference to the approach which scuttles a decision on merits. Turning to the facts of the matter giving rise to the present appeal, we are satisfied that sufficient cause exists for the delay. The order of the High Court dismissing the appeal before it as time barred, is therefore, set aside. Delay is condoned. And the matter is remitted to the High Court. The High Court will now dispose of the appeal on merits after affording reasonable opportunity of hearing to both the sides.

15. Considering the facts of the present case, the petitioners have stated in the affidavit filed in support of the petitions that they were unaware of the partition suit filed by their father. They further stated that they stumbled upon a copy of the plaint only after the demise of their father, whereupon steps were taken to bring the legal representatives on record. By the time the petitioners came to know about the partition suit, the suit before the learned Senior Civil Judge had already abated. This Court finds that the explanation offered by the petitioners regarding their discovery of the plaint is believable and ought to be have been accepted by the trial Court.
16. The other ground on which the petitions were dismissed is the dismissal of the CRP.No.3623 of 2012, filed by the legal heirs of the plaintiff No.2, as infructuous. The said C.R.P. was filed seeking condonation of a delay of 850 days. Insofar as the dismissal of the said C.R.P. is concerned, on the date of hearing

of C.R.P.No.3623 of 2012, O.S.No.58 of 2009 was not pending on the file of the trial Court, as the suit was already abated. Therefore, the dismissal of the said C.R.P. ought not to have been weighed against the present petitioners. With regard to the observation that the petitioners failed to explain the day-to-day delay of 2294 days, this Court is of the view that, in light of the judgments of the Hon'ble Supreme Court of India, the trial Court ought to have adopted a pragmatic and practical approach while considering the applications seeking condonation of delay. In a suit for partition, it is in the interest of all parties that the lis is adjudicated on merits. As rightly observed by the Hon'ble Supreme Court of India, no party would ordinarily intend to file an application to bring legal representatives on record at a belated stage with the sole object of delaying or protracting the proceedings.

17. The concept of explaining the day-to-day delay had evolved keeping in view the pendency in the trial Courts and the tendency of certain litigants to protract litigation by filing applications with inordinate and unexplained delay.
18. While considering an application for condonation of delay, the learned Senior Civil Judge is required to take into account the nature of the lis and the conduct of the parties. On the facts of

this case, admittedly, OS.No.58 of 2009 is a suit for partition, and the delay was occasioned due to the petitioners being unaware of the pendency of the suit. The explanation offered by the petitioners is plausible and ought to have been accepted by the trial Court. On these considerations, this Court is inclined to allow the Civil Revision Petitions and the suit in OS.No.58 of 2009 is restored to file, and the learned counsel for the petitioners to take steps for arraying the legal heirs of the sole defendant in the suit.

19. With the above observations, the Civil Revision Petitions are allowed. No costs.

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

JUSTICE HARINATH.N

KGM

THE HONOURABLE SRI JUSTICE HARINATH.N

CIVIL REVISION PETITION Nos.2075, 2076 and 2077 of 2022
Dated 21.01.2026

KGM