

APHC010311142025



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

[3299]

FRIDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

CIVIL REVISION PETITION NO: 1753/2025

Between:

- 1.KASTURI CHANDRA MOULI, (DIED)
- 2.JOSYULA SRINIVASA RAO,, S/O NARAYANA MURTHY, AGED ABOUT 51 YEARS, R/O 23-23-46A, SATYANARAYANAPURAM, VIJAYAWADA. NTR DISTRICT.

...PETITIONER(S)

AND

1. VELICHETI MRUDULA PADMA SARAVANA, W/O SURI BABU, HINDU, AGE 50 YEARS. HOUSEWIFE, R/O D.NO. 10-1-79, 0PP. TO PARK, ASHOK NAGAR, HYDERABAD.
2. RALLAPALLI TIRUMALA SAILASUTHA, W/O NARASIMHA MURTHY, HINDU, AGE 47 YEARS, HOUSE WIFE, R/O FLAT NO.4, 2ND FLOOR, SIVARANGA RESIDENCY, N.R.P.ROAD, SATYANARAYANAPURAM, VIJAYAWADA - 520 011.
3. MUDILI KOTESWARI, W/O VENKATESWARA RAO, HINDU, AGED 50 YEARS R/O D.NO.9-46-3, HAVALIVARI STREET, BOSE BOMMA CENTRE, CHITTINAGAR, VIJAYAWADA.
4. MAGANTI NARAYANA RAO, S/O GANGAISH, HINDU, AGED ABOUT 85 YEARS, R/O P 13, PRAMODA APARTMENT, NANDAMURIVARI STREET, LABBIPET, VIJAYAWADA - 520010.
5. MAGANTI BABU, S/O SESHAGIRI RAO, HINDU, AGED ABOUT 27 YEARS, R/O D.NO.8-223, ABDUL HAFEEZ STREET, ASHOK

NAGAR, VIJAYAWADA-520 007.

6. GAJJARAPU PARDHA SARADHI, S/O DURGA RAO, HINDU, AGED ABOUT 41 YEARS, R/O D.NO.11-43-9, YANDUVARI STREET, VIJAYAWADA-1
7. MUDILI GNANESWARI, D/O VENKATESWARA RAO, HINDU, AGED ABOUT 28 YEARS. HOUSE WIFE, R/O D.NO.9-40-3, HAVALIVARI STREET, BOSE BOMMA CENTRE, CHITTINAGAR, VIJAYAWADA-9.
8. KOLLATI SRINIVAS, S/O K. SATYANARAYANA, HINDU, AGED ABOUT 40 YEARS, R/O RAYAPET, NARASAPURAM, WEST GODAVARI DISTRICT, /
9. POTHURI MURALI KRISHNA, S/O SATYANARAYANA, HINDU, AGED ABOUT 41 YEARS, R/O D.NO.9-77-11, POOLAVARI STREET, VIJAYAWADA-1.
10. KUNAPUREDDY SRINIVAS, S/O RAMACHANDRA MURTHY, HINDU, AGED ABOUT 33 YEARS YERRAMSETTI PALEM, NARASAPURAM MANDAL, WEST GODAVARI DISTRICT.
11. VEGESNA NARAYANA RAJU, S/O SEETHARAMA RAJU, HINDU, AGED ABOUT 55 YEARS. BUSINESS, R/O D.NO. 48-10-39, SRINAGAR, VISAKHAPATNAM-16.
12. AVVARU SRIDEVI, W/O SRINIVASA RAO, HINDU, AGED ABOUT 31 YEARS. HOUSE WIFE, R/O H.NO. 11-40-41, 2ND FLOOR, KANDULAVARI STREET, VIJAYAWADA-1, VIJAYAWADA JCJC
13. RAVI PAUL WILSON RAJU, S/O RAVI KRISTAPHAR, CHRISTIAN, AGED ABOUT 40 YEARS, R/O STATIONPET, NARSAPURAM, WEST GODAVARI DISTRICT.
14. PENNERU VARA LAKSHMI, W/O SOLVA RAJU, HINDU, AGED ABOUT 36 YEARS, HOUSE WIFE R/O H.NO. 11-42-12, RAMGOPAL STREET, VIJAYAWADA-1.
15. MOPIDEVI VEERA NAGESWARA RAO, S/O NARAYANA MURTHY. HINDU, AGED ABOUT 75 YEARS, R/O BOBBANAPALLI VILLAGE, VEERAVASARAM MANDAL, WEST GODAVARI DIST.

16. TALLAPANENI VENKATESWARA RAO, S/O RAMA RAO, HINDU, AGED ABOUT 42 YEARS, BUSINESS, R/O KANCHIKACHERLA, KRISHNA DISTRICT.
17. MALLAVARAPU MAHESH, S/O PRAKASH, HINDU AGED ABOUT 38 YEARS. BUSINESS. VIJAYAWADA-3.
18. DEVINENI CHANDRA SEKHAR, S/O SREENIANNARAYANA, HINDU, AGED ABOUT 43 YEARS. BUSINESS, R/O KANCHIKACHARLA, KRISHNA DISTRICT.
19. KANDEKULA CHINNA RAO, S/O DALAIAH, HINDU, AGE NOT KNOWN, R/O DEEN DAYAL NAGAR, NEAR K.L.RAO PARK, VIJAYAWADA.
20. INDULA BHULAKSHMI, W/O APPA RAO, HINDU, AGE NOT KNOWN, R/O DEEN DAYAL NAGAR, NEAR K.L.RAO PARK, VIJAYAWADA
21. ROCK CHURCH MINISTRIES, REP. BY ITS MANAGER, R/O NEAREST D.NO.5-7/8/98/12, VIDYADHARAPRAM, VIJAYAWADA.
22. DEENA DAYAL NAGAR CO, OP. HOUSE BUILDING SOCIETY LTD, REP. BY ITS PRESIDENT, CHITTINAGAR, VIJAYAWADA-520 009.
23. BANKA SARASWATHI, W/O NARAYANA APPADU, AGED ABOUT NOT KNOWN, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA-520 009.
24. KORAGANJI KRISHNA, S/O APPALA NAIDU, HINDU, AGED ABOUT 55 YEARS, R/O DAYAL NAGAR CO.OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA-520 009.
25. PILLA BALA TRIPURA SUNDARI, W/O PRASADA RAO, HINDU, AGED ABOUT 47 YEARS R/O DEENA DAYAL NAGAR CO.OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
26. KATIKALA SAMSUN, S/O MOSES, CHRISTIAN, AGED ABOUT 51 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.

27. PRATHURI VENKATA LAXMINARAYANA SHARINA, S/O VENKATAPPALAH, HINDU, AGE NOT KNOWN, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA-520 009.
28. PAPPULA VENKATESWARA REDDY, S/O VENKATA REDDY, HINDU, AGED ABOUT YEARS, DEENA DAYAL NAGAR CO.OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA-520 009
29. BAYANA JHANSI LAXMI PAPAMMA, D/O APPA RAO, HINDU, AGED ABOUT 45 YEARS, R/O. DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
30. PYLA SRINIVASA RAO, S/O KANNALAH, HINDU, AGED ABOUT 40 YEARS, R/O DEENA DAYAL NAGAR CO.OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
31. PYLA CHINNAMMADU, W/O KRISHNA RAO, HINDU, AGED ABOUT 68 YEARS R/O DEENA DAYAL NAGAR CO.OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA-520 009.
32. V SURYANARAYANA, S/ODALAPPADU, HINDU, AGED ABOUT 39 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA-520 009.
33. BAYANA KAMARAJU VENKATA RAMANI, D/O APPA RAO, HINDU, AGED 35 YEARS, R/O DEENA DAYAL NAGAR CO.OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA-520 009.
34. PILLA JAHA NAVI, W/O SRINIVASA RAO, HINDU, AGED ABOUT 41 YEARS, R/O DAYAL NAGAR CO.OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
35. CHADUVULA AROGYAMMA, W/O VINODA RAO, HINDU, AGED ABOUT 70 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA- 520 009.

- 36.PATARLA MARIYAMMA, W/O JOSEPH, CHRISTIAN, AGED ABOUT 65 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
- 37.S K SALEEM, S/O KHADERBI, MUSLIM, AGED ABOUT 50 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
- 38.MAJJI NARASIMHA RAO, S/O APPIKONDA, HINDU, AGED ABOUT 60 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
- 39.CHILAKA JAPHER, S/O JOSEPH, CHRISTIAN, AGED ABOUT 60 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
- 40.MOHAMMED YASEEN, S/O ABDUL KHADAR, MUSLIM, AGE NOT KNOWN, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
- 41.KALUPURI VENKATA RATNAM, W/O JOHN, HINDU, AGED ABOUT 45 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
- 42.TURIMELIA VENKATA RATNAM, S/O SOBISANADRI, HINDU, AGE NOT KNOWN, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
- 43.GUDELA ANASURYA, W/O NARASINGA KAO, HINDU, AGED ABOUT 53 R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
- 44.MAJIL DALINAIDU, S/O APPIKONDA, HINDU, AGED ABOUT 65 YEARS. R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009

45. YELIU MUTHAMMA, W/O MUTHALAH, HINDU, AGED ABOUT 83 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
46. BEVARA KRISHNA RAO, S/O KUMARI NAIDU, HINDU, AGED ABOUT 39 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
47. PYLA SRINIVASA RAO, S/O KAMA RAJU, HINDU, AGED ABOUT 40 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
48. VANDRASI DURGAMBA, W/O KONDALA RAO, HINDU, AGED ABOUT 60 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
49. ELIPILLA DURGAMBA, W/O VISHNUMURILBY, HINDU, AGED ABOUT 53 YEARS. R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
50. SURALA LAKSHMI, W/O RAMULU, HINDU, AGED ABOUT 26 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
51. BEVARA VENKATA RAO, S/O APPALA SWAMY, HINDU, AGED ABOUT 55 YEARS R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
52. ALLA RAMACHANDRA RAO, S/O VENKATESWARA RAO, HINDU, AGED ABOUT 45 RIO, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.
53. CHILAKA MARTHAMMA, W/O DAVID RAJU, HINDU, AGED ABOUT 55 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.

54.BEVARA SURYANARAYANA, S/O GOPI NAIDU, HINDU, AGED ABOUT 90 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.

55.ABBADASARI HUSSENAMMA, W/O KOTSISH, HINDU, AGED ABOUT 60 YEARS, R/O DEENA DAYAL NAGAR CO. OP. HOUSE BUILDING SOCIETY LTD, CHITTINAGAR, VIJAYAWADA - 520 009.

...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 toThe above-named petitioner begs to present this Memorandum of Civil Revision Petition before this Honble Court against the order dated 10.04.2025 passed on memo dated 31.07.2024 in O.S NO 103 of 2012 by the XIII Additional District Judge, Vijayawada,

IA NO: 1 OF 2025

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 grant STAY of all further proceedings pursuant to suit, OS. No. 103/2012 on the file of XIII Additional District Judge, Vijayawada, pending the above civil revision petition, in the interest of justice and pass

Counsel for the Petitioner(S):

1.J.V.PHANIDUTH

Counsel for the Respondent(S):

The Court made the following:

ORDER :

Heard Sri J.V.Phaniduth, learned counsel for the petitioner.

2. The petitioner is the 2nd plaintiff in O.S. No.103 of 2012 on the file of the Court of the XIII Additional District & Sessions Judge, Vijayawada, instituted for cancellation of the agreement of sale as well as the acceptance deed dated 30.10.2008.

3. The suit was filed against defendant Nos.1 to 66. In the said suit, the petitioner/plaintiff filed a memo seeking withdrawal of the suit against defendant Nos.6 to 66, contending that they are not necessary parties to the suit for specific performance of contract.

4. The learned trial Court, by order dated 10.04.2025, rejected the said memo on the ground that no judicial order can be passed on a memo.

5. Aggrieved by the rejection order dated 10.04.2025, the petitioner has filed the present Civil Revision Petition under Article 227 of the Constitution of India.

6. Learned counsel for the petitioner submits that the petitioner merely seeks to withdraw the suit against defendant Nos.6 to 66, who are not necessary parties to the adjudication of the relief of specific performance. He submits that since the relief sought was only for withdrawal of the suit against defendant Nos.6 to 66 for the aforesaid

reasons, the provisions of Order XXIII Rule 1 of Code of Civil Procedure Code, 1908 (for short, "CPC"). would not be applicable.

7. I have considered the aforesaid submissions and perused the material on record.

8. It is not merely the nature of the prayer that is material, but also the manner in which such relief is sought. Withdrawal of a suit, whether in whole or in part, is a substantive act governed by specific procedural requirements under the CPC. Therefore, such relief must be sought by filing an application in accordance with the procedure prescribed in CPC. It is settled in law that CPC is a complete code. The applicant has to follow the legal provisions and the procedure prescribed for any prayer in the pending suit.

9. The prayer has been made in the memo on the ground that defendant Nos.6 to 66 are not necessary parties. For seeking such relief, and for deletion of their names from the array of parties, Order 1 Rule 10 CPC may be the appropriate provision. The appropriate course of action was by filing an application in accordance with the procedure prescribed under CPC.

10. Learned counsel for the petitioner has not been able to point out any provision of law under which a memo could be filed for the purpose

it was filed. Once remedy is prescribed by the CPC, the same has to be availed in the manner prescribed.

11. I do not find any illegality or infirmity in the order passed by the learned trial Court, warranting interference by this Court.

12. The Civil Revision Petition lacks merit and is, dismissed.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI, J

Date :25.07.2025.

Note :- L.R. Copy to be marked.

B/o

RPD..

118

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

(DISMISSED)

CIVIL REVISION PETITION NO: 1753 of 2025

Date : 25.07.2025

Note :- L.R. Copy to be marked.

B/o
RPD..

***HON'BLE SRI JUSTICE RAVI NATH TILHARI**
+ CIVIL REVISION PETITION NO: 1753 of 2025

% 25.07.2025

#1. Kasturi Chandra Mouli (Died) and another.

.....Petitioner

And:

\$ 1. Velicheti Mrudula Padma Saravana
and others.

....Respondents.

!Counsel for the petitioner : Sri J.V.Phaniduth

^Counsel for the respondent/(s) : ---.

<Gist:

>Head Note:

? Cases referred: NIL

HON'BLE SRI JUSTICE RAVI NATH TILHARI**CIVIL REVISION PETITION NO: 1753 of 2025**

1. Kasturi Chandra Mouli (Died) and
another.

.....Petitioner

And:

1. Velicheti Mrudula Padma Saravana
and others.

....Respondents.

DATE OF JUDGMENT PRONOUNCED : 25.07.2025

SUBMITTED FOR APPROVAL:**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI**

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers may be Allowed to see the judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Your Lordships wish to see the fair Copy of the Judgment? | Yes/No |

RAVI NATH TILHARI, J