

HIGH COURT OF ANDHRA PRADESH

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CIVIL REVISION PETITION No.3211 of 2025

Between:

Yellapu Varaha Venkata Siva Satyanarayana @ Srinu

..... PETITIONER

AND

Silaparasetty Veera Venkata
Siva Satyanarayabna @ Bobby

.....RESPONDENT

DATE OF JUDGMENT PRONOUNCED: 21.11.2025

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

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|---|--------|
| 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

*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI**
+ CIVIL REVISION PETITION No.3211 of 2025

% 21.11.2025

Yellapu Varaha Venkata Siva Satyanarayana @ Srinu

....Petitioner

Versus

\$ Silaparasetty Veera Venkata
Siva Satyanarayabna @ Bobby

....Respondent

! Counsel for the Petitioner: Sri P. Rajasekhar,
Representing Sri K. N. P. Vamsikrishna

^ Counsel for respondent : --

< Gist :

> Head Note:

? Cases Referred:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
CIVIL REVISION PETITION No. 3211 of 2025

JUDGMENT:

Heard Sri P. Rajasekhar, learned counsel, representing Sri K. N. P. Vamsikrishna, leaned counsel for the petitioner and perused the record.

2. The petitioner is the judgment debtor in O.S.No.132 of 2013 filed by the plaintiff/decree holder. The suit was decreed vide judgment and decree dated 06.12.2016 by the learned Additional Senior Civil Judge, Anakapalle in the following terms:

“18. **Issue No.4:** In the result the suit is decreed with costs against defendant for Rs.6,50,000/- (Rupees six lakhs fifty thousand only) and subsequent interest @12% per annum from the date of suit till the date of decree and thereafter @6% p.a. from the date of decree till realization on the principal amount of Rs.6,50,000/- (Rupees six lakhs fifty thousand only).”

3. E.P.No.25 of 2019 was filed for execution of the decree. The Executing Court previously passed an Order dated 21.04.2022, allowing the petition of the decree holder issuing Rule 38 CPC warrant against the judgment debtor after holding, on consideration of the evidence that, the judgment debtor had sufficient means to make good the decree amount but was willfully not making good the decree amount.

4. Challenging the said Order dated 21.04.2022, the petitioner/judgment debtor filed CRP.No.932 of 2022 before this Court. In the said CRP No.932 of 2022, initially in I.A.No.1 of 2022 vide interim order dated 05.05.2022 the Coordinate Bench passed the following Order:

“Heard the learned counsel for the petitioner.

Considering the submissions made and perusing the material on, there shall be interim stay as prayed for, subject to the condition of the petitioner depositing 1/4th of the decretal amount including the costs and interest to the credit of the suit, within a period of six weeks from the date of receipt of a copy of this order.”

5. Subsequently, the CRP No.932 of 2022 was disposed of on 31.01.2025 with the following observations and directions:

“6. In view of the conditional order passed by this Court having been complied, the ends of justice would be met, if the petitioner is granted nine (9) months time from today to pay the balance amount to the full satisfaction of the E.P. **In default, the trial Court can proceed with the order dated 21.04.2022 for arrest of petitioner without further reference to this Court.**

7. With the above directions and observations, the Civil Revision Petition is disposed of. No Order as to costs. As a sequel, the interlocutory applications, pending if any, shall stand dismissed.”

6. The judgment debtor/petitioner did not comply with the terms of the final order dated 31.01.2025. Consequently, the Executing Court proceeded and passed the Order dated 31.10.2025 in E.P.No.25 of 2019 and issued warrant of arrest of the judgment debtor under Order 21 Rule 38 CPC, fixing 17.11.2025.

7. Challenging the Order dated 31.10.2025, the present civil revision petition under Section 115 CPC has been filed.

8. The Order impugned has been passed on the ground that the judgment debtor failed to comply with the Orders of this Court passed in CRP.No.932 of 2022, dated 31.01.2025, which reads as under:

“The DHr counsel and JDr counsel present. JDr counsel reported they are not going to comply the orders of Honourable High Court of AP as mentioned in docket order dated 28.03.2025 of this case. The JDr counsel filed petitions Under section 47 and 151 of CPC along with Sec.151 of CPC petitions and they are returned. Since the JDr failed to comply the orders of Honourable High Court of AP thereby as per said orders, this Court proceeding further. Hence issue Or.21 Rule 38 of CPC Warrant for the arrest of the JDr on payment of process through Court and RP, call on 17.11.2025.”

9. Learned counsel for the petitioner submits that some creditors had filed I.P.No.3 of 2014 before the Principal Senior Civil Judge at Anakapalle, to declare the petitioner (1st respondent in IP No.3/2014) as insolvent and to cancel the sale deed dated 30.12.2013 executed by the petitioner in favour of the 2nd respondent in IP No.3/2014. In the said Insolvency Petition, the respondent herein/deed holder, was added as party 3rd respondent, vide Order dated 28.01.2020 in I.A.No.12 of 2020 in the said Insolvency Petition. In I.P.No.3 of 2014, vide final Order dated 01.02.2024, the present petitioner (1st respondent therein) was declared as insolvent and the sale deed dated 30.12.2013 was declared as null and void.

10. Learned counsel for the petitioner further submits that the copy of the said Order dated 01.02.2024 was filed before the Executing Court, but without considering the same, the Order under challenge has been passed.

11. Learned counsel for the petitioner further submits that the copy of the said Order dated 01.02.2024 was however not filed in CRP No.932 of 2022 and the said fact also could not be brought to the notice of this Court, which was finally decided on 31.01.2025. He submits that in view of Section 28 of the

Provincial Insolvency Act 1920 the Order of adjudication shall relate back to the date of presentation of the petition. Consequently, the submission is that in view of the Order passed in I.P.No.3 of 2014, the order impugned cannot be sustained.

12. I have considered the submissions advanced by the learned counsel for the petitioner and perused the material on record.

13. As is evident, the Order was passed in I.P.No.3 of 2014 on 01.02.2024. The CRP No.932 of 2022 was decided on 31.01.2025 with the directions, as quoted above. This Court is of the view that if the petitioner was declared as insolvent, the same could have been pleaded in the earlier civil revision petition No.932 of 2022 before passing of the final order dated 31.01.2025, but the same was not done. The plea which was available to be raised was not raised in CRP.No.932 of 2022. The Executing Court being bound by the order dated 31.01.2025 passed in CRP No.932 of 2022 and having passed the Order impugned in compliance of the Order of this Court, as the petitioner failed to comply with the directions of this Court passed in CRP No.932 of 2022, I do not find any illegality in the order impugned in the present civil revision petition.

14. On a specific query made to the learned counsel for the petitioner, he submits that the order dated 31.01.2025 passed in CRP No.932 of 2022, had attained finality.

15. In view of the Order dated 31.01.2025 in CRP No.932 of 2022, the effect of the judgment in I.P.No.3 of 2014, dated 01.02.2024, on the pending

execution case, as has been sought to be argued based on Section 28 of the Provincial Insolvency Act cannot be gone into by this Coordinate Bench. The said plea which was available and could be raised in CRP No.932 of 2022 was not raised. The principle of finality attached to the judgment dated 31.01.2025, cannot be unsettled by this Coordinate Bench on the ground available at the time of judgment dated 31.01.2025 which was not agitated at that time.

16. At this stage, learned counsel for the petitioner submits that liberty may be granted to the petitioner to seek appropriate remedy, in view of the order passed in I.P.No.3 of 2014, dated 01.02.2024, in CRP No.932 of 2022 with respect to the order passed therein.

17. As observed above, I do not find any illegality in the order under challenge in the present civil revision petition. The present civil revision petition is therefore dismissed.

18. However, the petitioner is at liberty to take such other steps, as may be open under law and as may be advised.

19. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

RAVI NATH TILHARI, J

Date: 21.11.2025

Dsr

Note:

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B/o

Dsr