APHC010464402026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

FRIDAY, THE 16th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION No. 2485/2026

BETWEEN:

1. GENTEM JAGADEESH KUMAR, S/o. GANTEM JOHN AGED ABOUT 45 YEARS OCC SCHOOL ASSISTANT, R/o. 7/100, RAM MANOHAR LOHIA NAGAR, KADAPA DISTRICT.

...PETITIONER

AND

1. PANYAM ALIAS PALEMLURTH MARI ALIAS SOUNDHARYA, D/o. LATE. PRASADAGED ABOUT 29 YEARS, R/o.66/23, MARIAPURAM, R.V. NAGARP,KADAPA DISTRICT.
2. PANYAM PALEMPRASANTH, S/o. LATE. PRASADAGED ABOUT 27 YEARS, R/o.66/23, MARIAPURAM, R.V. NAGARPKADAPA DISTRICT.
3. PANYAM NEELAVATHI NELAMMA, W/o. PANYAM PRASADAGED ABOUT 44 YEARS R/o. 11/23, MARIAPURAM, KADAPA 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 to to Set aside the orders in E.A. No.124 of2019 in E.P. No.144 of 2018 dated 09.01.2026 passed there in by the Learned III

Additional Junior Civil Judge Court/ Execution Court Kadapa and pass such other orders.

Counsel for the Petitioner:

1. NAGENDRA BABU KAPPERA

Counsel for the Respondent(S):

The Court made the following:

ORDER:

As seen from the prayer in the Memorandum of Grounds, it is prayed to set aside the orders in E.A. No.124 of 2019 in E.P. No.144 of 2018 dated 09.01.2026, on the file of III Additional Civil Judge (Junior Division), Kadapa.

2. One Panyam @ Palem Lurth Mari @ Soundarya who is 1st respondent herein, filed claim petition under Order 21 Rule 58 of C.P.C. and the said petition was allowed by the executing Court vide Order dated 09.01.2026.

3. Challenging the said order, the present Civil Revision Petition is filed under Section 115 of C.P.C.

4. This Court vide order dated 17.07.2026 has permitted the petitioner to withdraw the C.R.P. No.1521 of 2026, granting liberty to the petitioner herein to file fresh C.R.P., on the ground that two interlocutory orders cannot be assailed in one revision petition.

5. It is imperative to extract Order 21 Rule 58 (4) CPC:

Under sub-rule (4) of Rule 58 of Order 21 of Code of Civil Procedure, any claim or petition has been adjudicated upon this rule, the order made therein shall have the same force and is subject to the same conditions as to appeal or otherwise as if it were a decree.

6. A full Bench of common High Court at Hyderabad, in the case of ***Pallam Reddy Masthan Reddy @ Janardhan Reddy and another v. Nellore Finance Corpn. & Anr.,*** held that claim order objection made under Rule 58 of Order 21 is almost a suit. His Lordship Sri Justice P. Venkatarama Reddi as he then passed speaking for the Bench held as under at *"Para No.10, the scope of enquiry under Rule 58 has been amplified so as to cover the questions of right and title to the property. Instead of driving the parties to a separate suit, the amendment provides for the adjudication of the claim on ass aspects including the right, title and interest in and over the property. The necessary concomitant of this change is that a claim petition is decided virtually as if it is a suit for title and possession. When there is such comprehensive adjudication under the amended Rule 58, the filing of another suit is, in the very nature of things, superfluous and the suit is therefore necessarily excluded. At the same time, against the order passed under Rule 58, an appeal is provided for just as an appeal could be filed against the decree in a suit under Section 96 of CPC."*

7. Therefore, the order in E.A. No.124 of 2019 is an appealable order and the revision is not maintainable.

8. In the aforesaid circumstances, the present Civil Revision Petition is not maintainable.

9. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel, interlocutory applications, if any, pending in this Civil Revision Petitions shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 16.10.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

C.R.P.No. 2485 OF 2026

Date: 16-10-2026

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