APHC010473522026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3233]
(Special Original Jurisdiction)

THURSDAY, THE 1st DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

CIVIL REVISION PETITION NO: 2518/2026

Between:

1. JAMKHANAM NAZEER AHEMMAD, S/O LATE J. MOHABOOB SHAREEF ALIAS JAMAKANAM MAHABOOB SHARIF,MUSLIM, AGED ABOUT 63 YEARS. TAILOR,R/O. DOOR NO. 20/315, MODAMPALLI STREETPRODDATUR TOWN, YSR DISTRICT.

...PETITIONER

AND

1. MADINA BHASKARA, , S/O M. GANGULAPPA,HINDU, AGED ABOUT 42 YEARS, R/O. RAMARAO COLONY,MADANAPALLETOWN AND MANDAL,ANNAMAIAH DISTRICT - 517325.
2. J KAREEMUNNISA ALIAS J KAIRUNNISA, , W/O NOT KNOWNMUSLIM, AGED ABOUT 34 YEARS. HOUSEWIFE,R/O.DOOR NO. 2-245-D-15A, KURAVANKA,MADANAPALLE TOWN, ANNAMAIAH DISTRICT - 517325.
3. GANTA NASEEMUNNISA, , W/O MAHABOOB SAHEB,MUSLIM, AGED ABOUT 53 YEARS. HOUSEWIFE,R/O. DOOR NO. 37/154-4-1, NEHRU NAGAR,NEAR APSARA THEATRE, CHINNA CHOWK,KADAPA CITY, YSR DISTRICT - 516002.
4. MULLA NOORJAHAN, , W/O AZEEZ MIAH,MUSLIM, AGED ABOUT 59 YEARS, HOUSEWIFE,R/O. DOOR NO. 19/413, DONKA STREET,JAMMALAMADUGU TOWN, YSR DISTRICT - 516434.

...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 the order dated 07.08.2026 passed by the learned II Additional District and Sessions Judge, Madanapalle, in E.A. No. 26 of 2026 in E.A. No. 35 of 2023 in E.P. No. 55 of 2021 in O.S. No. 9 of 2017, dismissing the petition filed under Order XXI Rule 106 of the Code of Civil Procedure, 1908, seeking restoration of E.A. No. 35 of 2023

IA NO: 1 OF 2026

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 07.08.2026 in E.A. No. 26 of 2026 in E.A. No. 35 of 2023 in E.P. No. 55 of 2021 on the file of the learned II Additional District and Sessions Judge, Madanapalle,

IA NO: 2 OF 2026

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 grant interim stay all further proceedings in E.P. No. 55 of 2021 in O.S. No. 9 of 2017 on the file of the learned II Additional District and Sessions Judge, Madanapalle, including the execution of any sale deed, issuance of any sale certificate and delivery of possession of the house bearing Door No. 2-245(B)-15(A) / 2-245-D-15(A), Survey No. 156-14, Ward No. 2, Madanapalle Municipality, pending disposal of the Civil Revision Petition

Counsel for the Petitioner:

1. KALEEMULLA S

Counsel for the Respondent(S):

1. G.KRISHNAPRASAD ROYAL

The Court made the following Order:

Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent.

2. The learned counsel for the petitioner submits that the notices sent to the respondent Nos.2 to 4 were returned unserved. However, no prejudice would cause even if this revision is disposed of in the absence of the respondent Nos.2 to 4 herein.

3. The learned counsel for the petitioner submits that, as the petitioner is suffering from paralysis, he could not contact his counsel to pursue E.A.No.35 of 2023 in E.P.No.55 of 2021 on the file of II Additional District & Sessions Judge, Madanapalle consequently the same was dismissed. For restoration, E.A.No.26 of 2026 was filed to restore the E.A.No.35 of 2023 in E.P.No.55 of 2021 on the file of II Additional District & Sessions Judge, Madanapalle but the same was also dismissed on 07.08.2026, against which this revision was filed.

4. Due to ill-health of the petitioner, he could not contact his counsel and as such the paper publication could not be filed in the court below as ordered by the executing court. This E.A. is not for dragging and prolonging the matter but only for restoration of the above said E.A. The executing court found that in E.A.No.35 of 2023 notices to the respondent Nos.3 & 4 therein were not served for a period of more than

two years and later publication was ordered on 16.12.2025 and the matter was posted to 21.01.2026. On that day, the petitioner was called absent and publication was not filed and as such the claim against the respondent Nos.3 & 4 was dismissed for default. On 05.02.2026 also when the petitioner was called absent, ultimately the said E.A. was dismissed for default.

5. The learned counsel for the 1st respondent also submits that the petitioner did not take any steps from 21.01.2026 after dismissal of the E.A. against the respondent Nos.3 & 4 therein. When the petitioner contends that the respondent Nos.3 & 4 are in possession of the E.P. schedule property he should be aware of the addresses of the respondent Nos.3 & 4 and he should have effectively pursued the matter.

6. But, as the petitioner admitting his inability to pursue the E.A.No.35 of 2023 in the above said execution proceedings on account of his serious illness and non-compliance of the orders of the executing court for carrying out paper publication against the respondent Nos.3 & 4, this court finds that as the subsequent E.A. was also dismissed by the executing court against which the present revision was filed, giving one more opportunity to the petitioner would suffice in the interest of

justice as he filed the claim petition in the execution proceedings which has to be dealt with on its own merits in accordance with law.

7. For the said purpose, the petitioner is directed to pay Rs.5,000/- to the 1st respondent/ decree holder within a period of two (2) weeks from the date of receipt of this order and proof of payment shall be filed in the Registry of the executing court in connection with the above said E.P. and on such payment, the E.A. No.35 of 2023 shall be restored to its file in E.P.No.55 of 2021 for the purpose of proceeding further in accordance with law by the petitioner and other parties concerned.

8. Fresh orders can be passed by the executing court for service of notices to the parties concerned and scrupulously the petitioner shall carry out the notices to all the parties concerned for the purpose of deciding the matter on merits by the executing court following the due procedure. Accordingly, the order under revision in E.A.No.26 of 2026 in E.A.No.35 of 2023 in E.P.No.55 of 2021 on the file of II Additional District & Sessions Judge, Madanapalle dated 07.08.2026 is set aside enabling the petitioner to proceed with the above said E.A. in accordance with law on payment of the above said costs.

9. Accordingly, the Civil Revision Petition is disposed of. Interim order if any deemed to have been vacated. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

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JUSTICE B. KRISHNA MOHAN

01.10.2026
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