

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
PRESENT  
THE HONOURABLE SRI JUSTICE HARINATH.N  
+CIVIL REVISION PETITION No. 2202 of 2022  
%02.03.2026**

**Between:**

1.SMT.BYREDDY RAMA DEVI, W/O..RAJESWAR REDDY, AGED 52  
YEARS, D.NO.1/416-4, MARUTHINAGAR, KADAPA CITY

**...PETITIONER**

**AND**

1.SMT VEMAVARAMA SREE VIJAYA, W/o.V.Satish Paul, Aged 42  
years, D.no.3/654, Akkayapalli, Kadapa City and District

**...RESPONDENT**

**Counsel for the Petitioner:**

1.S LAKSHMINARAYANA REDDY

**Counsel for the Respondent:**

1.P S P SURESH KUMAR

**The Court made the following:**

**<Gist:**

**>Head Note:**

**? Cases referred:**

1. 2023 LawSuit(SC) 452
2. (2020) 16 Supreme Court Cases 601
3. (2024) 11 SCC 503
4. 2025 SCC OnLine SC 975

This Court made the following:

**THE HONOURABLE SRI JUSTICE HARINATH.N****+CIVIL REVISION PETITION No. 2202 of 2022****%02.03.2026****Between:**

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...RESPONDENT

**Counsel for the Petitioner:**

1. S LAKSHMINARAYANA REDDY

**Counsel for the Respondent:**

1. P S P SURESH KUMAR

DATE OF ORDER PRONOUNCED: 02.03.2026

**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

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**JUSTICE HARINATH.N**

APHC010591972022



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

[3457]

MONDAY, THE SECOND DAY OF MARCH  
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N  
CIVIL REVISION PETITION NO: 2202/2022

**Between:**

1. SMT. BYREDDY RAMA DEVI, W/O. RAJESWAR REDDY, AGED 52  
YEARS, D.NO.1/416-4, MARUTHINAGAR, KADAPA CITY

**...PETITIONER**

**AND**

1. SMT VEMAVARAMA SREE VIJAYA, W/o.V.Satish Paul, Aged 42  
years, D.no.3/654, Akkayapalli, Kadapa City and District

**...RESPONDENT**

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 Memorandum of Civil vision Petition to this Hon'ble Court against the order and decree passed in .no.651/2021 in OS.no.670/2021 dated 25-07-2022 on the file of the court the Additional Junior Civil Judge, Kadapa

**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 grant stay of all further proceedings in OS.no.670/2021 on the file of the court the III Additional Junior Civil Judge, Kadapa pending CRP in this Hon'ble court and pass

**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 to extend the interim orders granted by this Hon'ble Court in the above C.R.P.No.2202/2022 dt.04.11.2022 till the disposal of CRP in this Hon'ble Court and pass

**Counsel for the Petitioner:**

1. S LAKSHMINARAYANA REDDY

**Counsel for the Respondent:**

1. P S P SURESH KUMAR

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE HARINATH.N**  
**CIVIL REVISION PETITION NO: 2202 of 2022**

**ORDER:**

Learned counsel appearing for the petitioner submits that the Civil Revision Petition is filed aggrieved by the Order passed in IA No. 651 of 2021 in OS.No. 670 of 2021. It is submitted that IA No. 651 of 2021 was filed under Order VII Rule 11 CPC seeking rejection of the plaint. It is admitted that the petitioner is arrayed as a defendant in OS.No. 670 of 2021 filed for the relief of declaration as owner of the plaint schedule property and a consequential injunction restraining the defendant therein, her agents, men and associates and other persons claiming through her from interfering with the peaceful possession and enjoyment of the claimed scheduled property. The learned counsel for the petitioner submits that the petitioner has acquired property *vide* a registered sale deed executed by the husband of the respondent herein in the year 2007. The petitioner has been in continuous and uninterrupted possession ever since 08.01.2007, the date on which the husband of the respondent executed the sale deed.

2. It is also submitted that the respondent has filed the suit by relying on an unregistered gift deed dated 27.04.2021, which, according to the respondent, was executed by her husband after a lapse of 15 years of transferring the right, title, interest over the suit schedule property in favour of the petitioner in the year 2007. It is submitted that the suit itself is not maintainable as the plaintiff is trying to seek the relief of a declaration by relying on an unregistered gift deed. It is submitted that the unregistered gift

deed cannot have any evidentiary value, and as per Section 17 of the Registration Act, 1908, the gift deed is a document that has to be essentially registered.

3. It is also submitted that the petitioner, having received the suit summons, has filed a written statement and also filed an application under Order VII Rule 11 CPC, seeking the relief of rejection of the plaint. It is further submitted that the plaintiff has not sought the cancellation of the registered document in favour of the petitioner. However, has sought the relief of a declaration as owner of the suit schedule property. It is submitted that the plaint averments would categorically indicate that the respondent was aware of the execution of the registered sale deed on 08.01.2007 by her husband and that the plaintiff ought to have sought cancellation of the said document.

4. The learned counsel for the petitioner places reliance on the following judgment in the matter of **Ramisetty Venkatanna and another vs. Nasyam Jamal Saheb and others**<sup>1</sup>, the Hon'ble Supreme Court has held that the plaint can be rejected under Order VII Rule 11 of CPC if conditions enumerated in the said provision are fulfilled. It was also held that the power under Order VII, Rule 11 CPC, can be exercised by the Court at any stage of the suit. If the suit is manifestly vexatious, the same can be rejected.

5. The Hon'ble Supreme Court in the matter of **Raghwendar Sharan Singh vs. Ram Prasanna Singh**<sup>2</sup>, the Hon'ble Supreme Court in the plaint

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<sup>1</sup> 2023 LawSuit(SC) 452

<sup>2</sup> (2020) 16 Supreme Court Cases 601

has held that the plaintiff cannot be allowed to circumvent Article 59 of the Limitation Act by means of clever drafting so as to avoid mention of those circumstances by which the suit stood barred by limitation.

6. The learned counsel appearing for the respondents submits that the case of the petitioner does not fall within the ambit of Order VII Rule 11 CPC, and it is not the case of the petitioner that the plaintiff has not pleaded cause of action and places reliance in the matter of **ELDECO Housing and Industries Limited vs Ashok Vidyarthi and others**<sup>3</sup>, the Hon'ble Supreme Court held that the High Court erred in allowing the application filed under Order VII Rule 11 CPC deserve to be set aside and observed that while considering the application under Order VII Rule 11 CPC, the Court would have to consider only the averments in the plaint. Limitation is a mixed question of fact, and a trial would have to be conducted to determine the suit on the merits.

7. The Hon'ble Supreme Court in the matter of **P. Kumarakurubaran vs. P. Narayanan and others**<sup>4</sup>, the Hon'ble Supreme Court set aside the order allowing the application under Order VII Rule 11 CPC and restored the suit to the file. The Court further held that limitation is a question of fact and law, and the suit deserved to be adjudicated on the merits after a full-fledged trial.

8. It is submitted that the relief sought for in the suit is for a declaration as owner of the property and that the same would also render the execution of

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<sup>3</sup> (2024) 11 SCC 503

<sup>4</sup> 2025 SCC OnLine SC 975

the sale deed in favour of the petitioner a nullity, when the plaintiff is declared the owner of the suit schedule property by the Court. The plaint schedule property as per the suit is a tiled house. However, the scheduled property in the registered document of the year 2007 is vacant land.

9. In reply, learned counsel for the petitioner submits that Section 123 of the Transfer of Property Act would make it clear that transfer of title by way of gift must be effected by a registered instrument signed by or on behalf of the donor and attested by at least two witnesses. In the present case, the unregistered gift deed dated 27.04.2021 cannot be relied upon for any purposes.

9. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

10. Perused the record.

11. The short point for consideration is whether the order passed by the learned Judge in dismissing I.A.No.651 of 2021 in O.S.No. 670 of 2021 deserve to be upheld.

12. The averments of the plaint would disclose that the plaintiff is placing reliance on an unregistered gift deed dated 27.04.2021, which is allegedly executed by the husband of the respondent after a lapse of 15 years of transferring the title over the said property in favour of the petitioner. To maintain the suit, there must be a valid legal cause of action. The primary document on which the plaintiff tries to maintain the suit is an unregistered gift

deed. In a suit for declaration, documents are the foundation of the litigation. On the facts of this case, the suit is filed by placing reliance on an unregistered gift deed, which is a nullity in law under Section 123 of the Transfer of Property Act.

13. For considering an application under Order 7 Rule 11 (d), the plaintiff cannot maintain the suit by placing reliance on an unregistered gift deed dated 27.04.2021. That apart, the averments of the plaint referred to the registered sale deed executed in favour of the petitioner by the husband of the plaintiff on 08.01.2007. There is no explanation as to what prompted the plaintiff to remain silent and not seek the relief of cancellation of the registered document in favour of the defendant.

14. The pleadings and wholesome reading of the plaint makes it amply clear that the suit is manifestly vexatious and the plaintiff intends to use the suit as a tool for harassment. The suit fails on the principle of locus standi and the requirement of prima facie evidence. If this Court is to accept the contention of the respondent that the validity or otherwise of the unregistered gift deed would have to be left open for the trial Court. The further contention of the possibility of the trial Court impounding the document for payment of deficit stamp duty and thereafter, on payment of the deficit stamp duty, the trial Court would consider the validity and relevancy of the document, while deciding the suit on merits, is concerned, the same will lead to opening of floodgates of litigation.

15. There would not be any end to any litigation if the Courts consider maintaining the suits on documents that have no evidentiary value. On the facts of this case, the primary document dated 27.01.2004 is an unregistered gift deed, which cannot be considered as a legal, valid and reliable document for the purpose of deciding the suit on merits.

16. The contention of the respondents that the matter would have to be relegated to trial keeping in view the prayer of the plaintiff seeking the relief of declaration and that the claim of the plaintiff ought not to be scuttled at the threshold is concerned, the Section 123 of the Transfer of Property Act mandates the gift of an immovable property is to be effected by registered instrument and attested by atleast two witnesses. This makes it amply clear that the validity of the said document is void *ab-initio*, and the said document is not admissible as evidence under Section 49 of the Registration Act, 1908. In these circumstances, a cause of action cannot arise on the basis of a void document.

17. On these considerations, this Court is of the considered view that the order dated 25.07.2022 passed in I.A.No.650 of 2021 in O.S.No. 670 of 2021 by the III Additional Junior Civil Judge, Kadapa, deserve to be set aside, and the plaint filed in O.S.No.670 of 2021 is hereby rejected.

18. Accordingly, this Civil Revision Petition is allowed. There shall be no order as to costs.

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

02.03.2026  
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**JUSTICE HARINATH.N**

**47**

**THE HONOURABLE SRI JUSTICE HARINATH.N**

**CIVIL REVISION PETITION No.2202 of 2022**

Dated 02.03.2026

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