

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.10903 OF 2025  
(@ SPECIAL LEAVE PETITION (CIVIL) NO.23974/2022)**

**METHKUPALLY VENKATAMMA**

**APPELLANT**

**VERSUS**

**M. PADMAMMA & ORS.**

**RESPONDENTS**

**O R D E R**

1. Leave granted.
2. The appellant has challenged the judgment and final order dated 07.11.2016 in Review A.S.M.P. No.2282 of 2016 in A.S. No.373 of 2011 whereby the review application was allowed and the appeal was posted for re-hearing.
3. Brief summary of facts giving rise to the appeal is as follows :

Respondent Nos.1 and 2 filed a suit being O.S. No.85 of 2003 before learned District Judge seeking partition and separate possession of certain extent of land parcels bearing Serial Nos.2/5, 10,11,12,13/A total admeasuring Ac.37-22 gts. situated at Pocharam

Village, Ghatkeswar Mandal, Ranga Reddy District<sup>1</sup>. A preliminary decree was passed on 28.03.2011. The appellant being the wife of one late M. Mohan Reddy and other descendants being defendants in the suit, preferred an appeal<sup>2</sup> against the preliminary partition decree. Holding the suit property was neither joint nor a partible estate the Division Bench allowed the appeal. 1<sup>st</sup> and 2<sup>nd</sup> respondents took out a review application which by the impugned order came to be allowed.

4. Heard Mr. Nidhesh Gupta, learned senior counsel appearing for the petitioner and Mr. S. Niranjan Reddy, learned senior counsel appearing for the respondents.

5. At the outset, Mr. S. Niranjan Reddy, learned senior counsel submits that there is an inordinate delay of 2112 days in filing the appeal which has not been adequately explained. He contends all the appellants before the High Court were aware of the institution of the review proceedings and all of them were represented by their counsel in the said proceedings. Apart from the appellant, none of them have appealed against the impugned order. In fact, after the appeal was revived the appellant and others participated in the appeal proceedings and the 3<sup>rd</sup> respondent that is, the appellant's son even moved a

<sup>1</sup> for short 'the suit property'

<sup>2</sup> Being A.S. No. 373 of 2011

Special Leave Petition challenging an interim order passed therein which was subsequently withdrawn. Belatedly, the appellant has approached the Court without adequate justification for condoning the delay.

6. *Per contra* Mr. Nidhesh Gupta, learned senior counsel submits the appellant is a septuagenarian lady and her interest in the proceeding was looked after by her eldest son, that is, the 3<sup>rd</sup> respondent. It is alleged the 3<sup>rd</sup> respondent colluded with the 1<sup>st</sup> and 2<sup>nd</sup> respondents, that is, the plaintiffs and kept the appellant in dark about the order passed in review and the subsequent developments. Only in August, 2022, she came to know of these facts through some of her relatives when the Special Leave Petition filed at the behest of the 3<sup>rd</sup> respondent, was withdrawn. Thereafter, she collected the case papers and filed the Special Leave Petition in November, 2022.

7. Ordinarily, we would not be inclined to condone an inordinate delay of 2112 days but the averments in the application for condonation of delay and the submissions made before us show the 3<sup>rd</sup> respondent on whom the appellant had relied to look after her interest in the proceedings had betrayed her interest and colluded with the 1<sup>st</sup> and 2<sup>nd</sup> respondents. She was kept in the dark with regard to the review order as well as the subsequent steps in the appeal.

8. It is common knowledge that in family disputes

elderly women rely on their husbands or sons to look after their interest in litigation. When a case of betrayal of such trust is pleaded in a delay condonation application, the Court is required to view the same with a sympathetic slant.

9. With regard to Mr. S. Niranjana Reddy's arguments of compliance of Rule 54A<sup>3</sup>, we note though the appellant appears to have been represented by a counsel, it is evident from the factual matrix the said counsel was instructed by the 3<sup>rd</sup> respondent against whom she has levelled allegation of collusion with the 1<sup>st</sup> and 2<sup>nd</sup> respondents.

10. Given these peculiar circumstances, we are inclined to condone the delay in preferring the appeal.

11. Coming to the merits of the case, we note the impugned order is a cryptic one and does not even record the submissions on behalf of the appellant in whose favour the appeal had been allowed and the suit dismissed.

12. We also find force in the submission of the learned senior counsel that the 1<sup>st</sup> and 2<sup>nd</sup> respondents would not be prejudiced if the review application is remanded for re-hearing on merits. That is to say if the review upon re-hearing is dismissed the said respondents would nonetheless be entitled to challenge the original order in appeal but if the cryptic order allowing review is

preserved a vital right of the appellant accruing from the appellate order dismissing the suit would be lost forever.

13. Accordingly, we allow the appeal and set aside the order impugned and direct the review application be heard on merits after giving due notice to all the parties concerned.

14. Needless to mention the matter shall be disposed of expeditiously without granting unnecessary adjournments to any of the parties.

15. Pending application(s), if any shall also stand disposed of.

.....J.  
( PANKAJ MITHAL )

.....J.  
( JOYMALYA BAGCHI )

NEW DELHI  
19<sup>th</sup> AUGUST, 2025

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 23974/2022

[Arising out of impugned final judgment and order dated 07-11-2016 in RASMP No. 2282/2016 passed by the High Court of Judicature at Hyderabad for The State of Telangana and The State of Andhra Pradesh]

METHKUPALLY VENKATAMMA

PETITIONER(S)

VERSUS

M. PADMAMMA &amp; ORS.

RESPONDENT(S)

(IA No. 184083/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 134226/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 184084/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-08-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL  
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) Mr. Nidhesh Gupta, Sr. Adv.  
Mr. Manu Abhishek Bhardwaj, Adv.  
Mr. Y. Shiva Santosh, Adv.  
Mr. Tarun Gupta, AOR

For Respondent(s) Mr. S Niranjan Reddy, Sr. Adv.  
Mr. Raavi Yogesh Venkata, AOR  
Mr. Kotte Venkata Pawan Kumar, Adv.  
Ms. Palak Arora, Adv.  
Akhila Palem, Adv.  
Mr. C. Karunya Yadav, Adv.

Mr. Gautam Narayan, Sr. Adv.  
Mr. P. S. Sudheer, AOR

Mr. M. A. Chinnasamy, AOR

UPON hearing the counsel the court made the following  
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(Nidhi Mathur)  
Court Master (NSH)

(Geeta Ahuja)  
Assistant Registrar-cum-PS  
(Signed Order is placed on the file)