

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE No: WP No.3164 OF 2024

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	07.05.2025	<u>TCDS,J</u> The case was listed on 05.05.2025, there was no representation for the petitioner either in Forenoon or in the Afternoon. Again the matter is listed today, there is no representation in the Forenoon and the matter was again passed over, when it is taken for hearing after lunch, there is no representation for the petitioner. It is the case of the 5th respondent that he filed suit in OS No.112 of 2010, on the file of Special Judge for Trial of Cases under SCs and STs (PoA) Act-cum VII Additional District Judge, Eluru, West Godavari District for specific performance of Agreement of Sale dated 24.10.2019 executed by the petitioners. Upon contest the said suit was decreed ex-parte on 10.03.2011. In pursuance of the said decree, the Trial Court executed sale deed in favour of the 5th respondent on	

	21.11.2016. Thereafter, the petitioner filed interlocutory application vide I.A.No.572 of 2017 to condone the delay of 2289 days in filing application to set aside the ex-parte order. The said application was dismissed for default on 20.04.2022. Thereafter, the petitioner again filed another application seeking to restore I.A.No.572 of 2016, which is pending adjudication. In view of the decree passed by the Trial Court, the 5th respondent made an application before the 4th respondent seeking to mutate his name in revenue records and accordingly his name was entered into revenue records. Questioning the same, the present writ petition is filed. The contention of the petitioner is that he filed suit in OS.No.216 of 2017, on the file of Principal Senior Civil Judge, Eluru. Initially, the Trial Court granted injunction against the 5th respondent till 27.11.2017, thereafter the same was not in extended. Despite filing of application to vacate the interim order, there	
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	was no representation on behalf of the petitioner. The counsel for the 5th respondent strenuously contends that the writ petition is not maintainable inasmuch as the decree passed in favour of 5th respondent attend finality and the petitioner did not choose to question the same. Taking into consideration of the submissions made by the 5th respondent, this Court inclined to vacate the interim order dated 08.02.2024 passed in I.A.No.1 of 2024 in the writ petition. Post the matter after summer vacation, 2025. <u>TCDS,J</u> DR	
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