

APHC010064852026



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

[3572]

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

APPEAL SUIT NO: 74/2026

Between:

Yedurupaka Chinnarao and Others

...APPELLANT(S)

AND

Indugapalli Nookaraju

...RESPONDENT

Counsel for the Appellant(S):

1. HARI KRISHNA TATA

Counsel for the Respondent:

1.

The Court made the following:

Interim order : *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Sri Hari Krishna Tata, learned counsel for the appellants.

2. This appeal has been filed by the appellants/defendants
challenging the preliminary decree dated 25.11.2025 passed in O.S. No.129

of 2015 on the file of the Court of the learned VII Additional District & Sessions Judge (FTC), Peddapuram.

3. The suit in question was instituted by the respondent/plaintiff for recovery of money against the 1st appellant (deceased), seeking a preliminary decree on the basis of the mortgage deed marked as Ex.A1. During the pendency of the suit, the 1st defendant died and was substituted by the present appellants Nos.2 to 6. Appellant No.2 is the widow of the deceased, appellant No.3 is his child, appellant No.4 is the widow of his pre-deceased son, and appellants Nos.5 and 6 are the children of the pre-deceased son, who are students.

4. Learned counsel for the appellants submits that the finding of the Trial Court on the execution of the mortgage deed is contrary to the evidence on record and suffers from perversity.

5. Issue notice to the respondent.

6. In addition to the normal mode of service, the appellants are permitted to take out personal notice to the respondent/plaintiff by Registered Post and Acknowledgment Due and file proof of service in the Registry before the next date of listing.

7. Learned counsel for the appellants submits that the appellants are willing to deposit 50% of the decretal amount in monthly instalments.

8. Having regard to the circumstances, particularly that appellant No.2 is the widow and appellants Nos.3, 5 and 6 are students, it is provided as an interim measure that, subject to the appellants depositing 50% of the decretal amount, i.e., **Rs.10,00,000/-** (Rupees Ten Lakhs only), in five equal monthly installments of **Rs.2,00,000/-** (Rupees Two Lakhs only) each, commencing from March-2026 and payable on or before the 5th day of every month, the operation and execution of the preliminary decree dated 25.11.2025 passed in O.S. No.129 of 2015 on the file of the VII Additional District & Sessions Judge (FTC), Peddapuram, so also all the further proceedings pursuant thereto, shall remain stayed.

9. We make it clear that in the event of default in depositing any installments within the stipulated time, the appellants/defendants shall not be entitled to the benefit or protection of this order.

10. List the matter after five (05) months.

RAVI NATH TILHARI, J

BALAJI MEDAMALLI, J

Date : 17.02.2026.
RPD.