

[3572]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY ,THE SEVENTEENTH DAY OF FEBRUARY

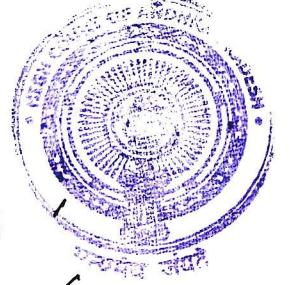
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

APPEAL SUIT NO: 74 OF 2026



Between:

1. Yedurupaka Chinnarao, s/o Nookalu H.No. 2-129, Golla Veedhi, A.Annavaram, Sankavaram (M)(Died) Because he is no more he need not be added as party appeal.
2. Yedurupaka Gokulabai, W/o Yedurupaka Chinnarao H.No. 2-129, Golla Veedhi, A.Annavaram, Sankavaram (M)
3. Yedurupaka Venkata Satya Varaha Murthy, S/o Yedurupaka Chinnarao H.No. 2-129, Golla Veedhi, A.Annavaram, Sankavaram (M)
4. Yedurupaka Archana, W/o Ramesh (late), House wife, 2-46-15/1, Venkata Nagra, Pragathi college Center, Kakinada
5. Yedurupaka Raineer, D/o Ramesh (late), House wife, 2-46-15/1, Venkata Nagra, Pragathi college Center, Kakinada
6. Yedurupaka Shynee, D/o Ramesh (late), House wife, 2-46-15/1, Venkata Nagra, Pragathi college Center, Kakinada

Appellants/Defendants

AND

Indugapalli Nookaraju, s/o Narayana ,D.No. 4-164, Ambedkar Nagar,
A.Annavaram Sankavarammandal, Kakinada District

Respondent/Plaintiff

Appeal Under Section 96 of CPC is filed praying that the High Court may be pleased to allow the Appeal by setting aside the decree and judgment DT. 25-11-2025 in OS No.129 of 2015 on the file of Honble VII Additional District Judge Court (FTC) Peddapuram and dismiss the suit O.S.No.129 of 2015.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim suspension of the Judgment & Decree dated 25.11.2025 in OS No.129 of 2015 passed by the Hon'ble VII Additional District & Sessions Judge (FTC); Peddapuram and dismiss the said suit., Pending disposal of AS 74 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the memorandum filed in support thereof and upon hearing the arguments of Sri HARI KRISHNA TATA Advocate for the Petitioners, the Court made the following.

ORDER

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

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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.

**SD/- K.J.RAJA BABU
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Additional District & Sessions Judge (FTC); Peddapuram. ✓
2. Indugapalli Nookaraju, s/o Narayana ,D.No. 4-164, Ambedkar Nagar,
A.Annavaram Sankavarammandal, Kakinada District. (by RPAD) ✓
3. One CC to SRI. HARI KRISHNA TATA Advocate [OPUC] ✓
4. **Two spare copies**

HIGH COURT

RNT,J

&

BM,J

DATED:17/02/2026

LIST THE MATTER AFTER FIVE (05) MONTHS

ORDER

AS.No.74 of 2026

STAY

