

APHC010066612014



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

[3602]

WEDNESDAY, THE 29th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CIVIL MISCELLANEOUS APPEAL NO: 813/2014

Between:

1. PATTIPATI RAMA MURTHY,, S/O LATE CHALAMAIAH AGED ABOUT 49 YEARS, HINDU, ADVOCATE R/O D.NO.8-3-9, KOTHAPET, ONGOLE.

...APPELLANT

AND

1. M/S MOTILAL OSWAL SECURITIES LIMITED, REP. BY ITS MANAGING DIRECTOR BAJAJ BHAVAN, NARIMAN POINT MUMBAI.

2. S SUBRAHMANIAN ARBITRATOR, O/O. NATIONAL STOCK EXCHANGE OF INDIA LTD. 2ND FLOOR, ISPAHANI CENTER NUNGAMBAKKAM HIGH ROAD NUNGAMBAKKAM, CHENNAI.

...RESPONDENT(S):

Appeal Under Section _____ against orders aggrieved by the Order and Decree I.A.No.2220/2011 in OP.No.2/2009 dt.23-01-2013 on the file of the Court of the Principal District Judge, Ongole

IA NO: 1 OF 2014(CMAMP 1271 OF 2014)

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 condone 444 days representation delay in complying the objections in CMA.S.R.No.19614 of 2013 and to pass

IA NO: 2 OF 2014(CMAMP 1272 OF 2014)

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 condone the delay of 460 days for payment of deficit court fee in C.M.A.S.R.No.19614 OF 2013 and to pass

IA NO: 3 OF 2014(CMAMP 1291 OF 2014)

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 stay all further proceedings in OP NO. 2 of 2009 pursuant an order in IA No. 2220 of 2011 in OP NO. 2 of 2009 dt. 23-01-2013 on the file of the Court of the Principal District Judge, Ongoel pending disposal of the appeal and pass

Counsel for the Appellant:

1.K KOUTILYA

Counsel for the Respondent(S):

1.

The Court made the following:

THE HON'BLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CIVIL MISCELLANEOUS APPEAL NO: 813 of 2014

ORDER: *(Per Hon'ble Sri Justice Battu Devanand)*

Heard Mr K.Koutilya, learned counsel for the appellant.

2. This appeal is filed against the order dated 23.01.2013 in I.A.No.222 of 2011 in O.P.No.2 of 2009 on the file of the learned Principal District Judge, Ongole.

3. During the course of hearing of this appeal, learned counsel for the appellant, on instructions, would submit that O.P.No.2 of 2009 was dismissed for default by the learned Principal District Judge, Ongole, by order dated 20.11.2019. He further contends that against the order of dismissal for default, an application has been filed seeking to set aside the default order and to restore the appeal to its file. The restoration petition is not yet decided.

4. Under these circumstances, considering the fact that O.P.No.2 of 2009 on the file of the learned Principal District Judge, Ongole, was dismissed for default on 20.11.2019, in our considered view, no further adjudication is required in the present appeal and this appeal has become infructuous.

5. Accordingly, this Civil Miscellaneous Appeal is dismissed as infructuous. There shall be no order as to costs.

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

JUSTICE BATTU DEVANAND

JUSTICE SUNITHA GANDHAM

Dated: 29.07.2026
JLV