

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE SIXTEENTH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN
CIVIL REVISION PETITION NO: 320 OF 2024



Between:

Tadiparthi Sudhakara Babu, S/o Late Subba Rao, aged 52 years, R/o. D.No.2202
Old Town, Ambati Vari Street, Tanuku Town and Mandal West Godavari District.

...Petitioner

AND

1. Boyedi Venkata Rao, S/o Katiyya, aged 75 years, Occ: Cultivation, R/o
D.No.6890 Old Town AmbatiVari Street 12th Ward Tanuku Town AndMandal
West Godavari District
2. TadiparthiSubbaRao, (Died)
3. TadiparthiSuseela, (Died)
4. TadiparthiSudheer Kumar, S/o Late SubbaRao Aged 53 years R/o D No 2202
Old Town AmbatiVari Street Tanuku Town and Mandal West Godavari District
5. Tadiparthi Suresh, S/o Late SubbaRao Aged 43 years Rio D No 2202 Old
Town AmbatiVari Street Tanuku Town and Mandal West Godavari District
6. Tadiparthi Nirmal, S/o Late SubbaRao Aged 50 years Rio D No 2202 Old
Town AmbatiVari Street Tanuku Town and Mandal West Godavari District
7. Tadiparthi Sujatha, D/o Late SubbaRao Aged 41 years R/o D No 2202 Old
Town AmbatiVari Street Tanuku Town and Mandal West Godavari District

...Respondents

Petition under Section 115 of C.P.C, aggrieved by the Order dt. 28.02.2023
passed in EP No.46 of 2019 in O.S.No.137 of 2019 on the file of the court of Learned
Senior Civil Judge, Tanuku;

IA NO: 3 OF 2024:

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 stay of all further proceedings in EP No. 46 of 2019 in O.S. No. 137 of 2010 on
the file of the court of Learned Senior Civil Judge, Tanuku, pending disposal of
CRP.No.320 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit
filed in support thereof and upon hearing the arguments of Sri Jada Sravan Kumar,
Advocate for the Petitioner, the Court made the following;

ORDER:

“Heard the learned counsel for the petitioner.

The petitioner herein is the JDR No.4 in E.P.No.46 of 2019 in
O.S.No.137 of 2019 on the file of the Senior Civil Judge, Tanuku.

The present C.R.P. is filed against the order, dated 28.02.2023 passed in the above said E.P., wherein there is a direction to sale the E.P. schedule property to ensure the decree holder for enjoying the fruits of the decree. Earlier, the petitioner herein filed CRP No.1670 of 2023 before this Court and the same was disposed of vide order, dated 07.08.2023, directing the petitioner to deposit the remaining decretal amount within three months, in default, the 1st respondent therein/decreet holder is permitted to proceed with the sale of the house of the petitioner therein. Since there is default in payment of the balance decretal amount, the above said E.P. was pressed by the decree holder.

Accordingly, the above said order, dated 28.02.2023, was passed by the Court below, against which, the present C.R.P is filed.

The learned counsel for the petitioner seeks indulgence of this Court as a last chance to comply with the payment of the balance due amount under the above said decree as per the orders of this Court, dated 07.08.2023. He further submits that subsequent to the orders passed by this Court in the earlier C.R.P. dated 07.08.2023, the petitioner herein deposited a sum of Rs.37,500/- on 10.08.2023 and Rs.1,21,640/- on 03.09.2023 and he prays this Court to grant some more time for payment of the balance amount.

In view of the aforesaid facts and circumstances, the order, dated 28.02.2023, in E.P.No.46 of 2019 in O.S.No.137 of 2019 on the file of the Senior Civil Judge, Tanuku is 'stayed' pending further orders, subject to depositing the balance due amount within a period of four (4) weeks from today by the petitioner herein/JDR No.4 to the credit of the E.P. In default, the stay granted shall stands automatically vacated. On deposit of the said amount, it is open for the decree holder to withdraw the same without furnishing any security.

List the matter after four (4) weeks."

//TRUE COPY//

Sd/- M.Srinivas
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Learned Senior Civil Judge, Tanuku.
2. Boyedi Venkata Rao, S/o Katiyya, R/o D.No.6890 Old Town Ambati Vari Street 12th Ward Tanuku Town And Mandal West Godavari District
3. Tadiparthysudheer Kumar, S/o Late Subba Rao, R/o D No 2202 Old Town Ambati Vari Street Tanuku Town and Mandal West Godavari District
4. Tadiparthysuresh, S/o Late SubbaRao R/o D No 2202 Old Town Ambati Vari Street Tanuku tomali and Mandal West Godavari District
5. Tadiparthynirmal, S/o Late Subba Rao R/o D No 2202 Old Town Ambati Vari Street Tanuku Town and Mandal West Godavari District
6. Tadiparthysujatha, D/o Late SubbaRao, R/o D No 2202 Old Town Ambati Vari Street Tanuku Town and Mandal West Godavari District (Addressee Nos.2 to 6 by RPAD)
7. One CC to Sri. Jada Sravan Kumar, Advocate [OPUC]
8. One spare copy

MM

HIGH COURT

BKM,J

DATED:16/02/2024

NOTE: LIST THE MATTER AFTER FOUR (4) WEEKS

ORDER

CRP.No.320 of 2024

DIRECTION

