

[3524]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY ,THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

AS NO: 132 OF 2025

Between:

Appala Raj Kumar, S/o Ranganadham, Aged about 40 years, Occ
Business, R/o D. No.26-12-1757 (A), Sriharikota Colony, Bhaktavatsala
Nagar, Nellore Town, Nellore District.

Appellant

AND

Gadamsetty Venkata Lakshmana Kumar, S/o Venkata Narayana, aged
about 50 years, Occ Business, R/o Kanigiri Village, Kanigiri Mandal,
Prakasam District.

Respondent

Appeal Under Section 96 of CPC against decree and judgment dated
17-07-2019 in O.S No.217 of 2015 on the file of Principal District Judge,
Nellore

IA NO: 2 OF 2025

Petition under order 41 Rule 5 &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 of all further proceedings in E.P. No, 42 of 2024
on the file of Principal District Judge, Nellore, Pending disposal of AS 132 of
2025, 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 HARINATH REDDY SOMA Advocate for the Petitioner, SRI B SOMASEKHAR Advocate for the Respondent and the Court made the following

ORDER

“This appeal has been filed with delay of 1780 days and for condonation thereof I.A.No.1 of 2025 was filed.

2. The respondent filed the counter to the said application.

3. On the grievance raised by learned counsel for the appellant on the previous dates that the copy of the counter was not served, this Court passed the following order on 11.08.2025:

“Learned counsel for the respondent submits that counter has been filed. 2. learned counsel for the appellant prays for time to file rejoinder affidavit. 3. Let another copy of the counter affidavit be served to learned counsel for the appellant by learned counsel for the respondent. 4. Post next week.”

4. On 20.08.2025 again, the following order was passed:

Learned counsel for the appellant submits that copy of the counter-affidavit pursuant to the order dated 11.08.2025 has not been served. However, she prays for time to file the rejoinder affidavit after getting the copy.

2. List after two weeks.

5. Today also learned counsel for the appellant submits that copy of the counter was not served. So, the appellant is unable to file the rejoinder affidavit. He further submits that in Execution Court, in execution proceedings, 08.09.2025 is the date fixed.

6. Learned counsel for the respondent appearing through virtual mode submits that copy of the counter affidavit would be served before the next date.

7. Let the copy be served within two days from today.

8. Post on 17.09.2025

9. Without entering into the merits of the pending applications and the case, at this stage, but only for the aforesaid reasons, we direct the Execution Court to adjourn the execution proceedings for execution of the decree as under challenge in this appeal, to a date after 17.09.2025."

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

For

To,

1. The Principal District Judge, Nellore
2. Gadamsetty Venkata Lakshmana Kumar, S/o Venkata Narayana, aged about 50 years, Occ Business, R/o Kanigiri Village, Kanigiri Mandal, Prakasam District. (by RPAD)
3. One CC to SRI. HARINATH REDDY SOMA Advocate [OPUC]
4. One CC to SRI. B SOMASEKHAR Advocate [OPUC]
5. One spare copy

HIGH COURT

RNT,J
&
MRK,J

DATED:03/09/2025

POST ON 17.09.2025

ORDER

AS.No.132 of 2025

DIRECTION

