

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE: **A.S.No.122 of 2026**

PROCEEDING SHEET

SL. No.	DATE	ORDER	OFFICE NOTE
1.	10.3.2026	<u>RNT,J & BM,J</u> <u>A.S.No.122 of 2026</u> This appeal has been filed by the appellant/defendant, being aggrieved by the judgment and decree dated 20.11.2025 passed in O.S. No.121 of 2018 on the file of the learned Principal District Judge, West Godavari at Eluru, whereby the suit filed by the respondents/plaintiffs for declaration of title and recovery of possession of the plaint schedule property, with consequential reliefs of payment of past profits as also future profits, was decreed in the following terms: “i) that the suit be and the same is hereby decreed with costs by declaring that the plaintiffs are the absolute owners of the schedule property; ii) that the defendant be and is hereby directed to vacate the schedule property and to deliver the vacant possession of the same within three months from today and in case of her failure. the plaintiffs be and are hereby at liberty to obtain the same through Court: iii) that the defendant be and is hereby directed to pay Rs.1,20,000/- towards past profits for s for a period of three years @ Rs.40,000/- per annum till the date of filing of the suit; iv) that the plaintiffs are at liberty to file separate application for determination of future profits v) that the defendant do pay to the plaintiffs a sum of Rs.66,858/- (Rupees Sixty Six Thousand Eight Hundred and Fifty Eight Only) towards costs of the suit.”	(cont..)

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		2. Learned counsel for the appellant submits, that the appellant/defendant had raised a plea of limitation contending that the suit was barred by limitation, and on that aspect neither any issue was framed nor was there any consideration. He further submits that earlier the defendant had filed a suit for declaration and injunction, but the same was dismissed observing that the defendant ought to have filed a suit for specific performance of the contract. He submits that the appellant's possession was under the agreement of sale. 3. The matter requires consideration. 4. Issue notice to the respondents/ plaintiffs. 5. In addition to the normal mode of service, the appellant is permitted to take out personal notice to the respondents by Registered Post and Acknowledgment Due and file proof of service in the Registry before the next date of listing. 6. List on 21.04.2026. 7. Considering the aforesaid facts and submissions, and in order to meet the ends of justice, we provide, as an interim measure, that subject to the appellant's compliance with the terms of the decree as mentioned in Clause Nos. (iii) and (v), as quoted supra,	

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		within a period of four (04) weeks from today, the operation and execution of the decree dated 20.11.2025 passed in O.S. No.121 of 2018 on the file of the learned Principal District Judge, West Godavari at Eluru, with respect to Clause Nos.(i) and (ii) shall remain stayed till the next date of listing. 8. It is clarified that there shall be no stay in respect of Clause No. (iv) of the decree, and it shall be open for the respondents/plaintiffs to file separate application for determination of future profits. _____ RNT,J _____ BM,J RPD	

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