

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY ,THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

APPEAL SUIT NO: 122 OF 2026



Between:

Smt. Parepalli Ganga Parvathi, W/o Sri Rama Venkata Krishna Rao,
Aged about 55 Years, R/o Venkatapuram Village T. Narasapuram
Mandal, West Godavari District, AP

Appellant/Defendant

AND

1. Abdul Kareem, S/o Late Abdul Azeez, Aged about 65 Years, H.No.3-251,
Spinning Mill Colony-2, Lalacheruvu Center, Rajamahendravaram, East
Godavari District, AP
2. Mohammad Ameeruddin, S/o Late Abdul Azeez, Aged about 62 Years,
H.No.15-1-23, Adhivarapupeta, Near Gangamma Gudi, Eluru, West
Godavari District.
3. Aftab Begum, W/o Late Khasim Saheb, Aged about 60 Years New MIG
Masjid Quarters, BHEL Ramachandrapuram, Hyderabad, Medak District,
Telangana State.
4. Mohammad Sabji, S/o Late Khasim Saheb, Aged about 37 Years,
Employee, New MIG Masjid Quarters, BHEL Ramachandrapuram,
Hyderabad, Medak District, Telangana State.
5. Mohammad Rafi, S/o Late Khasim Saheb, Aged about 35 Years,
Employee, New MIG Masjid Quarters, BHEL Ramachandrapuram,
Hyderabad Medak District, Telangana State.

Respondents/Plaintiffs

WHEREAS the Appellant above named through her Advocate SRI YASWANTH GADE presented this Appeal Under Section 96 of CPC is filed against to present this Memorandum of Appeal against the Judgment and decree dated 20 11-2025, passed in O.S.N0.121 OF 2018, on the file of The Court of Principal District Judge, Eluru, West Godavari District

AND WHEREAS the High Court upon perusing the petition and affidavit/memorandum of grounds filed herein and upon hearing the arguments of Sri YASWANTH GADE Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this APPEAL SUIT should not be admitted.

You viz:

1. Abdul Kareem, S/o Late Abdul Azeez, Aged about 65 Years, H.No.3-251, Spinning Mill Colony-2, Lalacheruvu Center, Rajamahendravaram, East Godavari District, AP
2. Mohammad Ameeruddin, S/o Late Abdul Azeez, Aged about 62 Years, H.No.15-1-23, Adhivarapupeta, Near Gangamma Gudi, Eluru, West Godavari District.
3. Aftab Begum, W/o Late Khasim Saheb, Aged about 60 Years New MIG Masjid Quarters, BHEL Ramachandrapuram, Hyderabad, Medak District, Telangana State.
4. Mohammad Sabji, S/o Late Khasim Saheb, Aged about 37 Years, Employee, New MIG Masjid Quarters, BHEL Ramachandrapuram, Hyderabad, Medak District, Telangana State.
5. Mohammad Rafi, S/o Late Khasim Saheb, Aged about 35 Years, Employee, New MIG Masjid Quarters, BHEL Ramachandrapuram, Hyderabad Medak District, Telangana State.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this APPEAL SUIT

should not be admitted on or before 21.04.2026 to which date the case stands posted for hearing.

IA NO: 1 OF 2026

Petition Under Order 41 R 5 R/W Section 151 of 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 stay all further proceedings pursuant to the judgment and decree dated 20-11-2025 in O.S.No.121 of 2018 on the file of the Court of Principal District Judge, Eluru, West Godavari District, AP Pending disposal of AS 122 of 2026, on the file of the High Court.

The Court made the following: ORDER

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."

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, 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.

//TRUE COPY//

SD/- M.SRINIVAS
ASSISTANT REGISTRAR
F SECTION OFFICER

To,

1. The Principal District Judge, West Godavari at Eluru
2. Smt. Parepalli Ganga Parvathi, W/o Sri Rama Venkata Krishna Rao, Aged about 55 Years, R/o Venkatapuram Village T. Narasapuram Mandal, West Godavari District, AP
3. Abdul Kareem, S/o Late Abdul Azeez, Aged about 65 Years, H.No.3-251, Spinning Mill Colony-2, Lalacheruvu Center, Rajamahendravaram, East Godavari District, AP
4. Mohammad Ameeruddin, S/o Late Abdul Azeez, Aged about 62 Years, H.No.15-1-23, Adhivarapupeta, Near Gangamma Gudi, Eluru, West Godavari District.
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6. Mohammad Sabji, S/o Late Khasim Saheb, Aged about 37 Years, Employee, New MIG Masjid Quarters, BHEL Ramachandrapuram, Hyderabad, Medak District, Telangana State.
7. Mohammad Rafi, S/o Late Khasim Saheb, Aged about 35 Years, Employee, New MIG Masjid Quarters, BHEL Ramachandrapuram, Hyderabad Medak District, Telangana State. (by RPAD 1 to 6)
8. One CC to SRI. YASWANTH GADE Advocate [OPUC]
9. **One spare copy**

HIGH COURT

RNT,J

&

BM,J

DATED: 10/03/2026

LIST ON 21.04.2026.

NOTICE BEFORE ADMISSION

AS.No.122 of 2026

INTERIM STAY

