

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE No:C.R.P.No.712 of 2025

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
01.	17.04.2025	<u>RNT, J</u> Heard Sri Sunkara Rajendra Prasad, learned counsel for the petitioner appearing through virtual mode. 2. The plaintiff in O.S.No.221 of 2018, on the file of XII Additional District Judge, Vijayawada is the petitioner. 3. Learned counsel for the petitioner submits that the plaintiff filed the said suit for partition with respect to the plaint schedule properties of grandfather. 4. Issue No.8 was framed, with respect to the Codicil executed by the mother of defendant No.2 (grandmother) of the plaintiff, dated 08.12.2004 to be true and valid and Issue No.9 was framed as to whether defendant No.3 complied with the terms of the agreement dated 19.01.2015 and not committed any default in payment of the rents. He submits that the petitioner-plaintiff filed I.A.No.1421 of 2023 under Order XIV Rule 5(2) and Section 151 C.P.C to strike out issue Nos.8 and 9 as wrongly framed. He further	

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		submits that those issues were not relevant or germane to the plaintiff's case as the suit was for partition of the property of the grandfather and not of the grandmother and the Will/Codicil was relating to the property of the grandmother. However, by the impugned order, the learned court has reframed the issues 8 and 9 instead of striking those issues. 5. Issue notice to the respondents 1 to 3. 6. Learned counsel for the petitioner shall take out notice to the respondents by R.P.A.D and file proof of service. 7. List on 08.05.2025. 8. Learned counsel for the appellant submits that the date fixed in the suit is 30.04.2025. The petitioner is granted liberty to file an application for adjournment before the learned Court, upon which the suit shall be adjourned and shall be fixed for a date after 08.05.2025. _____ RNT,J Gk	

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