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APHC010140912026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3209]

THURSDAY, THE 9th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

CIVIL REVISION PETITION NO: 1496 OF 2026

Between:

1. VENNAPU ANNAPURNA., W/O. KANNAYYA, AGED ABOUT 86 YEARS, R/O, D.NO. 3-122/1 BEHIND B C RAMALAYAM, KOVVADA, KAKINADA RURAL.
2. VENNAPU KASI,, S/O. ANANTHA PADMANADHA RAO, AGED ABOUT 28 YEARS, R/O, D.NO. 3-122/1, BEHIND B C RAMALAYAM, KOVVADA, KAKINADA RURAL.

...PETITIONER(S)

AND

1. TUMMALAPALLI SATYANARAYANA, S/o. Rangarao Aged about 56 years, R/o. D.No.2-19-5. Madhava Nagar, Kakinada.

...RESPONDENT

Counsel for the Petitioner(S):

1. A S C BOSE

Counsel for the Respondent:

1. P DURGA PRASAD

The Court made the following ORDER:

The present Revision Petition is filed against the Order dated 28.02.2026 in I.A.No.2290 of 2025 in A.S.No.68 of 2025 on the file of the Court of 3rd Additional District Judge, Kakinada.

2) The respondent / plaintiff filed O.S.No.772 of 2015 against the petitioners / defendants for recovery of Rs.7,60,369/-. Aggrieved by the Decree and Judgment in the said suit, petitioners herein preferred the above referred appeal. Along with the appeal, the petitioners filed I.A.No.1177 of 2025 seeking stay of execution of the decree and the learned Appellate Court granted stay on condition of the petitioner's depositing principal amount of Rs.4,00,000/- before the Trial Court on or before 21.07.2026. Seeking a modification of the said order, the petitioners filed the above referred I.A.No.2290 of 2025 and the same was dismissed vide order impugned in the revision.

3) Learned counsel for the petitioners *inter alia*, submits that order under challenge is not sustainable as the same was passed without considering the matter in a proper perspective. It is his main contention that pursuant to the judgment and decree passed by the learned Trial Court, the property of the petitioners was attached, value of which even as per the latest valuation certificate furnished by the concerned Sub-Registrar is more than Rs.22,00,000/- and in such circumstances, the condition imposed by the learned Appellate Court for granting stay of execution of the decree passed by the learned Trial Court is not just or tenable. He submits that the learned

Appellate Court erred in not exercising discretion vested in it, by appreciating the facts and circumstances, including that no prejudice would be caused to the respondent / plaintiff by modifying the conditional order dated 15.12.2025 in I.A.No.1177 of 2025. Making the said submissions, learned counsel seeks to allow the revision petition.

4) On the other hand learned counsel for the respondent made submissions to sustain the order under challenge. He submits that learned Appellate Court had rightly appreciated the matter with reference to relevant provision of Law i.e., Order 41 Rule 3 of CPC, assigned cogent reasons and discretion exercised by it does not suffer from illegality, much less perversity. He also placed a copy of the latest valuation certificate in respect of the subject matter property and contends that the same is far less than the amount of Rs.4,00,000/- directed to be deposited as condition for granting stay by the Appellate Court. He submits that there are no merits in the Revision Petition and the same is liable to be dismissed.

5) This Court has considered the submissions made and perused the material on record.

6) On an appreciation of the rival contentions, the only point that arises for consideration is “Whether the impugned order warrants interference by this Court in exercise of the powers under Article 227 of the Constitution of India?”

7) Before considering the correctness or otherwise of the Order under Challenge, it may be appropriate to mention that two Market Value Certificates were issued in respect of subject matter property which is under attachment,

one which is on yardage basis and another one on acreage basis. There is lot of variation in these two certificates and in the said circumstances and in the considered opinion of this Court, no value can be attached to the same at this stage. So far as the said certificate submitted by the petitioners, the learned Appellate Court dealt with the same in para-4 of the Order, which is self explanatory and the reasons for not taking the said certificate into consideration, which according to the petitioners would serve as sufficient security for realization of the decretal amount are sound. The learned Appellate Court has not committed any error in exercising the discretion vested in it and the appreciation of the matter does not suffer from any perversity. Point is answered, accordingly.

8) In the aforementioned view of the matter, this Court see no reason to interfere with the Order under challenge and the Revision Petition is accordingly dismissed. However, considering the fact that the time limit stipulated for depositing the amount of Rs.4,00,000/- was expired, six (06) weeks time is granted to the petitioners for depositing the amount, before the learned Executing Court. No costs.

9) Consequently, Miscellaneous Applications pending, if any, shall stand closed.

NINALA JAYASURYA,J

Date:09.07.2026.

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Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

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