

[3470]

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

THURSDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND
THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY
CIVIL REVISION PETITION NO: 760 OF 2024**

Between:

N. Ravi, S/o Venkata Subbaiah, aged about years, R/o D.No.1-6,
Thummalagunta Village and Post, Tirupati Rural, Tirupati.

Petitioner/J.Dr.No.5

AND

1. M/s. Margadarsi Chits Private Limited, Chennai, represented by its
Manager, R. Neelakantudu, S/o R.N.K. Naidu, aged 54 years, R/o
Chennaiah.

1st Respondent/D.Hr.

2. S. Sankar Naidu, S/o S. Chennaiah Naidu, R/o D.No. 1-3-8,
Thummalagunta Village and Post, Tirupati Rural, Tirupati.
3. S. Narayana Naidu, S/o Chennaiah Naidu, R/o D.No. 190, L.S. nagar,
Chandragiri Road, Tirupati.
4. G. Venkata Ramana Naidu, S/o G. Akkulaiah Naidu, R/o D.No. 11-246,
S.V. Nagar, Tirupati.
5. S. Reddamma, W/o S. Shankara Naidu, R/o D.No. 1-3-8,
Thummalagunta Village and Post, Tirupati Rural, Tirupati.

Respondents 2 to 5/J.Drs.1 to 4

WHEREAS the Petitioner above named through his Advocate Sri K
SREEDHAR MURTHY, presented this Petition under Article 227 of the
Constitution of India praying that in the circumstances stated in the grounds
filed herein, the High Court may be pleased to set aside the order, dated
23.02.2023 passed in E.P.No.34 of 2016 in ARC No.53 of 2012, by the III

Additional District Judge, Tirupati and allow the Civil Revision Petition, in the interest of justice;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri K SREEDHAR MURTHY, Advocate for the Petitioner and of Sri P. DURGA PRASAD, Advocate for the Respondent No.1 directed issue of notice to the Respondent Nos.2 to 4 herein to show cause as to why this CIVIL REVISION PETITION should not be admitted.

You viz:

1. S. Sankar Naidu, S/o S. Chennaiah Naidu, R/o D.No. 1-3-8, Thummalagunta Village and Post, Tirupati Rural, Tirupati.
2. S. Narayana Naidu, S/o Chennaiah Naidu, R/o D.No. 190, L.S. nagar, Chandragiri Road, Tirupati.
3. G. Venkata Ramana Naidu, S/o G. Akkulaiah Naidu, R/o D.No. 11-246, S.V. Nagar, Tirupati.

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 affidavit filed therewith (copy enclosed) this CIVIL REVISION PETITION should not be admitted, on or before 04.10.2024, on which date the case stands posted for hearing.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings, including sale of schedule property, in E.P.No.34 of 2016 in ARC No.53 of 2012, on the file of III Additional District Judge, Tirupati, pending disposal of CRP No. 760 of 2024, on the file of the High Court.

The Court made the following ORDER:

Heard learned counsel for the petitioner and Sri Durga Prasad, learned counsel for respondent No.1.

2. Respondent No.1 is the decree holder. Respondent Nos.2 to 5 are the judgment debtors Nos. 1 to 4. The petitioner is the J.Dr.No.5.
3. The decree holder obtained decree in ARC.No.53 of 2012 dated 07.06.2013 against the J.Drs.Nos.1 to 5. The said decree was not complied by the J.Drs. Consequently, E.P.No.34 of 2016 was filed.
3. In the said Execution Petition, the petition/objection of J.Dr.No.5 under Order 21 Rules 54, 64, and 66 CPC were rejected by the impugned order dated 23.02.2023.
4. Learned counsel for the petitioner placing reliance in Section 146 of Contract Act and the judgment of Hon'ble Apex Court in the case of *Ram Kishun v. State of Uttar Pradesh* {(2012) 11 SCC 511} submits that the liability of the petitioner would be 1/4th and J.Dr.No.5 is ready to make payment of 1/4th of the amount awarded, in Execution proceedings.
5. The matter requires consideration.
6. Learned counsel for the respondent No.1 prays for time to file counter affidavit.
7. Issue notice to respondent Nos.2 to 4.
8. In addition to the normal mode of service, the petitioner is permitted to take out personal notice to the respondent Nos.2 to 4 by registered post and acknowledgment due and file proof of service in the Registry before the next date of listing.

9. Prima facie the case for grant of interim order is made out.

10. On deposit of 1/4th of amount awarded, in Execution Court, within a period of three weeks from today, further proceedings for Execution against the petitioner (J.Dr.No.5) shall remain stayed till the next date of listing. In case of default, the benefit of this order shall not be available to the petitioner.

11. Post on 04.10.2024.

SD/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

For /

SECTION OFFICER

To,

1. Ill Additional District Judge, Tirupati,
2. S. Sankar Naidu, S/o S. Chennaiah Naidu, R/o D.No. 1-3-8, Thummalagunta Village and Post, Tirupati Rural, Tirupati.
3. S. Narayana Naidu, S/o Chennaiah Naidu, R/o D.No. 190, L.S. nagar, Chandragiri Road, Tirupati.
4. G. Venkata Ramana Naidu, S/o G. Akkulaiah Naidu, R/o D.No. 11-246, S.V. Nagar, Tirupati. (Addressee Nos.2 to 4 by RPAD- along with a copy of petition and memorandum of grounds)
5. One CC to SRI. K SREEDHAR MURTHY Advocate [OPUC]
6. One CC to SRI. P DURGA PRASAD Advocate [OPUC]
7. Two spare copies

KJ

HIGH COURT

RNT,J &
VN,J

DATED:04/07/2024

POST ON 04.10.2024

NOTICE BEFORE ADMISSION

CRP.No.760 of 2024

STAY

