

APHC010169882026



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

[3572]

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

**THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

**APPEAL SUIT NO: 226/2026**

**Between:**

Gandreti Rama Krishna Prasad Patnaik, and Others

**...APPELLANT(S)**

**AND**

Pallantla Lakshmi

**...RESPONDENT**

**Counsel for the Appellant(S):**

1. P KAMLAKAR

**Counsel for the Respondent:**

1.

**The Court made the following interim order :**

Heard Sri P.Kamalakar, learned counsel for the appellant.

2. This appeal has been filed by the appellants/defendants, being aggrieved by the decree passed in favour of the respondent/plaintiff in the suit filed for recovery of amount based on the promissory note, by judgment and decree dated 07.01.2026 passed in O.S. No.436 of 2018 on the file of the XI Additional District Judge, Visakhapatnam.

3. The suit has been decreed in the following terms :

*“11. In the result, suit is decreed with costs against defendants 1 and 2 for an amount of Rs.28,37,648/- (Rupees Twenty Eight Lakhs Thirty Seven Thousand Six Hundred and Forty Eight only) with interest at the rate of 12% p.a., on Rs.17,00,000/- (Rupees Seventeen Lakhs only) from the date of suit till the date of realization.”*

4. Learned counsel for the appellants submits that the execution of the promissory note and the signatures affixed thereon are not in dispute; however, it is the specific case of the appellants that the said promissory note was executed in connection with a mortgage transaction. Under the suit promissory note, the principal amount is Rs.17,00,000/-.

5. The matter requires consideration.

6. Issue notice to the respondent.

7. In addition to the normal mode of service, the appellant is permitted to take out personal notice to the respondent by Registered Post and Acknowledgment Due and file proof of service in the Registry before the next date of listing.

8. Post the matter on **30.06.2026**.

9. Considering the submissions advanced, and as the decree under challenge is a money decree, this Court finds no extraordinary reason not to impose a condition in terms of Order 41 Rule 5 of the Code of Civil Procedure, 1908.

10. In view thereof, as an interim measure, it is provided that, subject to the appellants depositing principal amount of Rs.17,00,000/- (Rupees seventeen lakhs only) before the learned trial Court, along with the suit costs of Rs.1,15,885/-, within a period of six **(06) weeks** from today, the operation and execution of the decree dated 07.01.2026 passed in O.S. No.436 of 2018 on the file of the XI Additional District Judge, Visakhapatnam, shall remain stayed.

11. Upon such deposit being made, the respondent/plaintiff shall be at liberty to withdraw the suit costs, without furnishing security, on making an appropriate application before the Court concerned.

12. The amount so deposited by the appellants/defendants shall be invested in a Fixed Deposit Receipt (FDR) in any nationalized bank, preferably the State Bank of India within the jurisdiction of the Court, initially for a period of one year, renewable from time to time.

13. The aforesaid shall remain subject to the further orders in the appeal.

14. We make it clear that in the event of default in depositing the aforesaid amount within the stipulated time, the appellants/defendants shall not be entitled to the benefit or protection of this order.

**RAVI NATH TILHARI, J**

**BALAJI MEDAMALLI, J**

Date : 28.04.2026.  
RPD.