

[ 3572 ]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)**  
**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**  
**TUESDAY, THE TWENTY EIGHTH DAY OF APRIL**  
**TWO THOUSAND AND TWENTY SIX**



**:PRESENT:**

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

**AND**

**THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

**APPEAL SUIT NO: 226 OF 2026**

**Between:**

1. Gandreti Rama Krishna Prasad Patnaik, S/o Late Rama Rao, Aged about 61 years, R/o Quarter No.F220, BHPV Town Ship, Gajuwaka, Visakhapatnam.
2. Smt. Gandreti Neeraja, W/o Gandreti Rama Krishna Prasad Patnaik, Aged about 53 years, Occ. Housewife, R/o Quarter No.F220, BHPV Town Ship, Gajuwaka Visakhapatnam.

**.... Appellants/Defendant**

**AND**

Pallantla Lakshmi, W/o Pallantla Jagadish Kumar, Aged about 48 years, Occ. Housewife, R/o C/o Sk. SatyaDev, D.No.33-14-22, Allipuram Main Road, Visakhapatnam - 530004.

**.... Respondent/Plaintiff**

WHEREAS the Appellant above named through their Advocate SRI P KAMLAKAR presented this Appeal Under Section 96 of CPC against The present appeal is filed under Section 96 of Civil Procedure Code against the judgement and decree passed in OS No.436 of 2018 dt.07-01- 2026 on the file of XI Additional District Judge, Visakhapatnam.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri P

KAMLAKAR Advocate for the Petitioner, directed issue of notice to the Respondent herein to show cause as to why this APPEAL SUIT should not be admitted.

You viz:

Pallantla Lakshmi, W/o Pallantla Jagadish Kumar, Aged about 48 years, Occ. Housewife, R/o C/o Sk. SatyaVDev, D.No.33-14-22, Allipuram Main Road, Visakhapatnam - 530004.

are be and hereby directed to show cause either appearing in person or through an advocate on or before 30.06.2026 to which date the case stands posted 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.

**IA NO: 1 OF 2026**

Petition under Section 151 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 suspend the operation of the judgment and decree dated 07-01-2026 passed in OS No.436 of 2018 on the file of XI Additional District Judge, Visakhapatnam, pending disposal of AS No. 226 of 2026, on the file of the High Court.

**The Court made the following: 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.

//TRUE COPY//

Sd/-U.SRIDEVI  
DEPUTY REGISTRAR

*MS*  
SECTION OFFICER

To,

1. The XI Additional District Judge, Visakhapatnam.
2. Pallantla Lakshmi, W/o Pallantla Jagadish Kumar, Aged about 48 years, Occ. Housewife, R/o C/o Sk. Satya Dev, D.No.33-14-22, Allipuram Main Road, Visakhapatnam - 530004. (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI. P KAMLAKAR Advocate [OPUC]
4. Two spare copies.

KSR



HIGH COURT

RNT, J

&

BM, J

DATED:28/04/2026

Post the matter on 30.06.2026.

NOTICE BEFORE ADMISSION

AS.No.226 of 2026

DIRECTION

