

[3164]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE TWENTY NINTH DAY OF JANUARY,
TWO THOUSAND AND TWENTY ONE

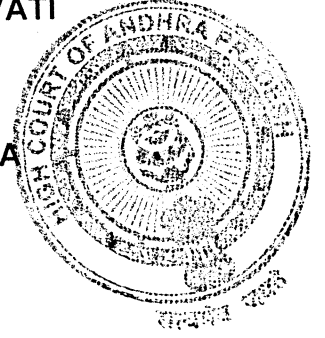
:PRESENT:

THE HONOURABLE SRI JUSTICE M.VENKATA RAMANA

IA No. 1 OF 2019

IN

AS NO: 346 OF 2019

**Between:**

Nalli Sankara Murthy, S/o. (Late) Nagayya,

...Petitioner/Appellant
(Appellant in AS 346 OF 2019
on the file of High Court)

AND

1. Nalli Violate Vaz (died)
2. Nalli Navin Vaz, S/o. (Late) Nalli Vaz @ Veerraju, R/o. D.No.69-3A-16/R/2, S.B.H. Colony, Ramanna Street, Nagavanam, Gaigolupadu, Kakinada, East Godavari District.
3. Nalli Martin Vaz, S/o. (Late) Nalli Vaz @ Veerraju, R/o. Flat No.33, Building No.136, Kingdom of Baharain, now residing in D.No.69-3A-16/R/2, S.B.H. Colony, Ramanna Street, Nagavanam, Gaigolupadu, Kakinada, East Godavari District.
4. Dowrla Susan Vaz, D/o. (Late) Nalli Vaz @ Veerraju, W/o. Raghuram, R/o. D.No.69-3A-16/R/2, S.B.H. Colony, Ramanna Street, Nagavanam, Gaigolupadu, Kakinada, East Godavari District.

...Respondents
(Respondents in-do-)

**Counsel for the Petitioner : Sri Vedula Venkata Ramana Senior Counsel for
M/S Bharadwaj Associates**
Counsel for the Respondents : Sri E V V S Ravi Kumar

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to grant stay of execution of the decree in O.S.No.162 of 2012, dated 23.04.2019, on the file of the III Additional District Judge, East Godavari at Kakinada, pending disposal of AS No. 346 of 2019, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Heard Sri Vedula Venkata Ramana, learned Senior Counsel for M/s.Bharadwaj Associates, appearing for the appellant and Sri E.V.V.S.Ravi Kumar, learned counsel for the respondents.

E.P.No.23 of 2020 basing on the decree in question in this appeal was levied by the respondents in the Court of learned III Additional District Judge, Kakinada and it is stated to be against the undertaking given by the learned counsel for the respondents, recorded by the order dated 20.06.2019. However, both the learned Senior Counsel, Sri Vedula Venkata Ramana as well as Sri E.V.V.S.Ravi Kumar addressed further arguments in this matter.

Sri Vedula Venkata Ramana, learned Senior Counsel offered to instruct the petitioner/appellant to deposit Rs.5,000/- p.m. as a tentative measure to the credit of the above suit every month, apart from depositing suit costs, whereby, this Court could grant stay of execution of the decree.

Sri E.V.V.S.Ravi Kumar, learned counsel for the respondents, agreed to this proposal.

In the above circumstances, while directing the trial Court to go on with the enquiry relating to mesne profits in terms of direction in the decree dated 23.04.2019 and that it shall not pass an order thereon, there shall be interim stay of execution of the decree in O.S.No.162 of 2012 dated 23.04.2019, subject to the petitioner depositing Rs.5,000/-p.m to the credit of the above suit and also the suit costs within four weeks from the date of receipt of a copy of this order.

The amount of Rs.5,000/- as stated above shall be deposited every month on or before 10th of every month, commencing from 10th February, 2021.

The respondents are not permitted to withdraw the amount being deposited month to month by the petitioner and the respondents are permitted to withdraw the suit costs deposited by the petitioner, without furnishing security.

Sd/- K. Tata Rao
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The III Additional District Judge, East Godavari District at Kakinada
2. Nalli Navin Vaz, S/o. (Late) Nalli Vaz @ Veerraju, R/o. D.No.69-3A-16/R/2, S.B.H. Colony, Ramanna Street, Nagavanam, Gaigolupadu, Kakinada, East Godavari District.
3. Nalli Martin Vaz, S/o. (Late) Nalli Vaz @ Veerraju, R/o. Flat No.33, Building No.136, Kingdom of Baharain, now residing in D.No.69-3A-16/R/2, S.B.H. Colony, Ramanna Street, Nagavanam, Gaigolupadu, Kakinada, East Godavari District.
4. Dowrla Susan Vaz, D/o. (Late) Nalli Vaz @ Veerraju, W/o. Raghuram, R/o. D.No.69-3A-16/R/2, S.B.H. Colony, Ramanna Street, Nagavanam, Gaigolupadu, Kakinada, East Godavari District. **(Addressee NOs 2 to 4 by RPAD)**
5. One CC to M/S Bharadwaj Associates, Advocate [OPUC]
6. One CC to Sri. E V V S Ravi Kumar Advocate [OPUC]
7. The Section Officer, A.F. Section (for call for records), High Court of A.P.,
8. One spare copy

Skm

HIGH COURT

MVR,J

DATED:29/01/2021

ORDER

IA. No. 1 of 2019
IN
AS.No.346 of 2019

DIRECTION

