

[3572]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY ,THE THIRTIETH 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: 229 OF 2026



Between:

Chirisetty Uma Maheswar Rao, S/o Late Rama Rao, aged about 65 years,
R/o Door No. 55-4-76/1, Old Venkojipalem H.B Colony, Visakhapatnam,
Visakhapatnam district.

Appellant

AND

Jandhyala Balasubramanyam, S/o Late Ramakrishna, aged about 58
years, R/o Door No. 28/40, Circlepet, Machilipatnam, Krishna district.

Respondent

Appeal Under Section 96 r/w. Order XLI Rule 1 of CPC against the
judgment and decree dated 29.11.2025 made in O.S.No.188 of 2012 on the
file of II Additional District Judge, Visakhapatnam

IA NO: 1 OF 2026

Petition under Order 41 Rule 5 r/w Section 151 CPC praying that
in the circumstances stated in the affidavit filed in support of the petition, the
High Court may be pleased to grant stay of all further proceedings in
pursuance of judgment and decree dated 29.11.2025 made in OS No. 188 of
2012 on the file of II Additional District Judge, Visakhapatnam, Pending
disposal of AS 229 of 2026, on the file of the High Court.

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The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI V S MALLIKHARJUNA KULADEEP THOKA Advocate for the Petitioner, the Court made the following

ORDER

"The plaintiff/respondent's suit for specific performance of contract based on the suit agreement of sale-Ex A1 dated 29.10.2011, has been decreed in the following terms:

"(2) In the result, the suit is decreed with costs, holding that the plaintiff is entitled for specific performance of the suit agreement of sale dated 29.10.2011, and the defendant is directed to execute a Registered Sale Deed in favour of the Plaintiff or his Nominee, in respect of the Plaint Schedule Property, within 3 months from the date of this judgment, after taking the balance sale consideration of Rs 20,90,000/- deposited by the Plaintiff before the Court, and in the event of failure of the Defendant to execute such Registered Sale Deed, the Plaintiff is at liberty to get the same executed through the process of Law in the Execution Proceedings, and the alternative relief of Damages stands dismissed."

2. The appeal has been filed by the defendant.

3. Learned counsel for the appellant submits that the plaintiff in fact had not performed his part of the contract and consequently, he was not entitled for the decree.

4. Issue notice to the respondent.

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5. In addition to the normal mode of service, the appellant is permitted to take out personal notice by Registered Post with Acknowledgement Due and file proof of service by the next date.

6. Considering the submissions advanced, as an interim measure, it is provided that operation and execution of the decree shall remain stayed subject to the following conditions:

i) the appellant shall deposit in the Trial Court the cost amount within a period of four weeks, and

ii) the property in the suit, which is the subject matter of the agreement of sale, shall not be transferred, encumbered, or altered its nature in any manner, till the next date of listing.

7. List on 02.07.2026."

//TRUE COPY//

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The II Additional District Judge, Visakhapatnam
2. Jandhyala Balasubramanyam, S/o Late Ramakrishna, aged about 58 years, R/o Door No. 28/40, Circlepet, Machilipatnam, Krishna district.
(by RPAD)
3. One CC to SRI. V S MALLIKHARJUNA KULADEEP THOKA Advocate
[OPUC]
4. One spare copy

HIGH COURT

RNT,J

&

BM,J

DATED:30/04/2026

LIST ON 02.07.2026

ORDER

AS.No.229 of 2026

STAY

