



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

[3603]

THURSDAY, THE 16th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

CIVIL MISCELLANEOUS APPEAL NO: 242 OF 2026

Between:

- 1.KUKKA KONDABABU,, S/O. LATE APPARAO, AGED ABOUT 45 YEARS, OCCUPATION. HATCHERY BUSINESS, R/O. BUTCHAYYAPETA VILLAGE, THONDANGI MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533 408.
- 2.KUKKA TATABBAI,, S/O. LATE APPARAO, AGED ABOUT 40 YEARS. OCCUPATION. HATCHERY BUSINESS, R/O. BUTCHAYYAPETA VILLAGE, THONDANGI MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533 408.
- 3.KUKKA SRINU,, S/O. LATE APPARAO, AGED ABOUT 38 YEARS. OCCUPATION. HATCHERY BUSINESS, R/O. BUTCHAYYAPETA VILLAGE, THONDANGI MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533 408.
- 4.KUKKA GOPAL,, S/O. LATE APPARAO, AGED ABOUT 30 YEARS. OCCUPATION. HATCHERY BUSINESS, R/O. BUTCHAYYAPETA VILLAGE, THONDANGI MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533 408.

...APPELLANT(S)

AND

1. NEMALA SATHI BABU, , S/O. VEERAYYA, AGED ABOUT 50

YEARS. OCCUPATION. CULTIVATION, R/O. GOLLA MUSALAYYA PETA, THONDANGI MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533 408.

2. SIRIPINA APPARAO, S/O. LATCHANNA, AGED ABOUT 80 YEARS. OCCUPATION. CULTIVATION, R/O. GOLLA MUSALAYYA PETA, THONDANGI MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533 408.
 3. SIRIPINA BULLABBAYI, S/O. NOOKAYYA, AGED ABOUT 45 YEARS. OCCUPATION. FISHING, R/O. GOLLA MUSALAYYA PETA, THONDANGI MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533 408
 4. ARJILLI APPALAKONDA, W/O. SANKARAYYA, AGED ABOUT 45 YEARS, OCCUPATION. HOUSE WIFE, R/O. RAJANAGARAM VILLAGE, PAYAKARAOPETA MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533 409.
 5. KODA GOVINDAMMA, , W/O. JAGANNADHA, AGED ABOUT 40 YEARS. OCCUPATION. HOUSE WIFE, R/O. RAJANAGARAM VILLAGE, PAYAKARAOPETA MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533 409.
 6. SIRIPINA MANGAYYA, S/O. LATE PENTAYYA, AGED ABOUT 43 YEARS. OCCUPATION. FISHING, R/O. PENTAKOTA VILLAGE, PAYAKARAOPETA MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533 409.
 7. CHAVAKULA AMRNAJI, W/O. RAMANA, AGED ABOUT 35 YEARS. OCCUPATION. HOUSE WIFE, R/O. PENTAKOTA VILLAGE, PAYAKARAOPETA MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533 409.
 8. SIRIPINA ABBAYYA, S/O. APPANNA, AGED 60 YEARS, FISHING GOLLA MUSALAYYA PETA, THONDANGI MANDAL.
 9. SIRIPINA SATYANARAYANA, S/O. APPANNA, AGED 55 YEARS. FISHING GOLLA MUSALAYYA PETA, THONDANGI MANDAL..
- RESPONDENTS/RESPONDENTS 7 AND 8 (DEFENDANTS 7 AND 8

DIED DURING PENDENCY OF SUIT BEFORE TRIAL COURT)

10.SIRIPININA SATYANRAYANA, S/O) LATE MARINAYYA, AGED 50 YEARS FISHING, GOLLA MUSALAYYA PETA, THONDANGI MANDAL.

11.SIRIPINA APPARAO, S/C. RAMANNA, AGED 55 YEARS. FISHING GOLLA MUSALAYYA PETA, THONDANGI MANDAL.

12.SIRIPINA TATAYYA, S/O. RAMANNA, AGED 55 YEARS FISHING, GOLLA MUSALAYYA PETA, THONDANGI MANDAL.

...RESPONDENT(S):

Appeal Under Section_____against orderspleased to allow the Civil Miscellaneous Appeal and set aside the order dated 29.01.2026 passed by the learned XII Additional District Judge, Pithapuram in I.A.No.1745 of 2025 in O.S.No.5 of 2022 by dismissing I.A.No.1745 of 2025 in O.S.No.5 of 2022 with costs, and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Pleased to grant stay the impugned order dated 29.01.2026 passed by the learned XII Additional District Judge, Pithapuram in I.A.No.1745 of 2025 in O.S.No.5 of 2022 and permit the Appellants to proceed with further construction in the plaint schedule property and pass

Counsel for the Appellant(S):

1.PALLA BALU ANIL KUMAR

Counsel for the Respondent(S):

1.

The Court made the following:

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JUDGMENT: *(Per Hon'ble Sri Justice D.Ramesh)*

The present appeal is filed aggrieved by the orders passed by learned XII Additional District Judge, Pithapuram in I.A.No.1745 of 2025 in O.S.No.5 of 2022 under Order XXXIX Rules 1 and 2 and under Section 151 of C.P.C. praying the court for making further construction.

2. The said interlocutory application was considered and interim order was granted, as against which the present appeal is filed by the defendant Nos.12 to 15.

3. Pending the appeal, learned counsel for the appellants, on instructions, submitted that the parties were compromised and hence not interested to press the appeal.

4. Recording the said submission, the appeal is dismissed as not pressed. There shall be no order as to costs.

As a sequel, all miscellaneous petitions, if any, pending in this Writ Appeal shall stand closed.

D.RAMESH, J

ALAPATI GIRIDHAR, J

Dated : 16.07.2026
TJN

THE HONOURABLE SRI JUSTICE D RAMESH
THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

CIVIL MISCELLANEOUS APPEAL NO: 242 OF 2026

Dated: 16.07.2026

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

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PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
	16.7.2026	<u>DR, J & AGD, J</u> The Civil Miscellaneous Appeal is dismissed as not pressed. (Vide Separate Judgment) TJN DR, J AGD, J	