



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

[3299]

**FRIDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX
PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
CIVIL REVISION PETITION NO: 1224/2026**

Between:

1. CELEST OWNER WELFARE ASSOCIATION, TOWER A,
REPRESENTED BY ITS SECRETARY SRI J. NARASIMHA RAO, R/O
FLAT NO.310, TOWER-A THE CEIEST, GAJUWAKA,
VISAKHAPATNAM.

...PETITIONER

AND

1. M/S APEX MEDOWS PVT LTD, Represented by its Director Sri
A.V.Monish Row, S/o, A.V.N.Jagga Row, aged 64 years, S.No.104/2
Opp. SBT Hotel, old Gajuwaka, Vishakhapatnam.

...RESPONDENT

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to Set aside the ex-parte order dated 05.02.2026 passed in I.A.No.172/2025 in O.S.No.48 of 2024 on the file of the learned court of Principal Civil Judge (Senior Division) At Gajuwaka 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 to grant an order of interim stay of all further proceedings in O.S.No.48/2024 pending on the file of the learned Principal Civil Judge (Senior Division), Gajuwaka; pending the disposal of this Civil Revision Petition and Pass

Counsel for the Petitioner:

1. NANI BABU ROBBA

Counsel for the Respondent:

1.

The Court made the following:

ORDER :

Heard Sri Nani Babu Robba, learned counsel for the petitioner.

2. This Civil Revision Petition has been filed by the petitioner/defendant under Article 227 of the Constitution of India, challenging the delay in disposing of I.A.No.172 of 2025 in O.S.No.48 of 2024, pending before the Principal Civil Judge (Senior Division) at Gajuwaka.

3. The respondent/plaintiff filed O.S. No.48 of 2024 on the file of the Principal Civil Judge (Senior Division) at Gajuwaka, seeking recovery of a sum of Rs.41,75,747/- together with interest at 18% per annum from the date of the suit till the date of realization. Along with the suit, the plaintiff filed I.A. No.172 of 2025 under Section 15-A read with Section 151 of the Code of Civil Procedure, 1908 (for short, "CPC"), seeking a direction to the defendant to deposit a sum of Rs.41,75,747/- and other reliefs. The said application was allowed by order dated 05.02.2026. The relevant portion of the order, in paragraph No.9, reads as follows:

*"09. In the result, this petition is allowed with costs, by directing the Respondent/Defendant Association deposit the suit amount of Rs.41,75,747/- into the Court and to continue to pay monthly water and electricity consumption charges into the court @ Rs.1,25,000/- and Rs.43,000/- respectively till disposal of the suit, in case of failure to deposit the same the defence of defendant association in suit will be struck down.
For compliance call on 20.02.2026."*

4. The learned counsel for the petitioner submits that, as the impugned order dated 05.02.2026 was passed *ex parte*, the petitioner has already filed an application under Order 9 Rule 13 CPC to set aside the same, and the said application is still pending. This averment is made in paragraph Nos.4 to 6 of the affidavit filed in support of the present petition. He, therefore, requests that the present revision petition be disposed of with a direction to the trial Court to expeditiously dispose of the said application.

5. Considering the submissions advanced by the learned counsel for the petitioner, and in order to meet the ends of justice, without expressing any opinion on the merits of the matter, this Civil Revision Petition is disposed of at the stage of admission, with a direction to the learned Principal Civil Judge (Senior Division) at Gajuwaka to dispose of the application filed under Order 9 Rule 13 CPC, after affording due opportunity of hearing to the parties, in accordance with law, as expeditiously as possible, preferably within a period of 06 weeks from the date of receipt of a copy of this order, if there is no legal impediment.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI, J

Date : 01.05.2026
RPD.

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**(DISPOSED OF)****CIVIL REVISION PETITION NO: 1224 OF 2026****Date : 01.05.2026**

RPD.