

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX



: PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH
CIVIL REVISION PETITION NO: 1213 OF 2026

Between:

1. Sunkara Subba Rao, (Died).
2. Sunkara Satyavathi @ Satteemma, W/o. Late Sunkara Subba Rao, aged about 72 years, R/o. D. No. 2-166, Panchayat Office Road, Vedanthpuram (v), Koyyalagudem Mandal, Eluru District.
3. Sunkara Ram Babu, S/o. late Sunkara Subba Rao, Aged about 47 years, R/o. D. No. 4-99, Kethavaram (v), Janareddigudem Mandal, Eluru District.
4. Daggu Venkata Lakshmi @ Kondamma, W/o. Satyanaryana, aged about 58 years, R/o. D. No. 2-73, Kethavaram (V), Jagareddigudem Mandal, Eluru District.
5. Gelam Perayamm, W/o. Nageswara Rao, Aged about 56 years, R/o. H. No. 2-170/1, Vedhantapuram (V), Koyyalagudem Mandal, Eluru Dt.

Petitioners/JDRs/Respondents

AND

Thota Naveen Kishore, S/o. Parasauramudu, Aged about 28 years, R/o. H. No. 13-25-31/1, Gunupudi, Bhimavaram, Bhimavaram Mandal, W.G. Dt.

Respondent/DHR/Petitioner

Petition under Section 115 of C.P.C is filed praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the order dt.09.02.2026 passed in E.P No. 105 of 2022 in

O.S. No. 7 of 2015 on the file of the court of the IX Additional District Judge, West Godavari, Kovvur,

IA NO: 2 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 the stay of all further proceedings in pursuance of the order dt.09.02.2026 passed in E.P. No. 105 of 2022 in O.S. No. 7 of 2015 on the file of the court of the IX Additional District Judge, West Godavari, Kovvur, Pending disposal of CRP No.1213 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri M R S Srinivas, Advocate for the Petitioners, the Court made the following.

ORDER

The Civil Revision Petition is filed aggrieved by the order dated 09-02-2026 passed in E.P.No.105 of 2022 in O.S.No.7 of 2015 on the file of the IX Additional District Judge, Kovvur.

The contention of the petitioners is that the petitioners/Judgment Debtors filed an objection in E.P.No.105 of 2022 with regard to the proclamation of E.P. schedule property. That, instead of proclaiming the entire extent of Ac.3.50 cents, only such part/portion of the property as is sufficient to satisfy the decretal amount ought to be brought to sale, and the same has to be considered in terms of Order XXI Rule 64 of the Code of Civil Procedure.

But, surprisingly the Court below without considering the objections raised under Order XXI Rule 64, rejected the same on the ground that such objections would be considered at the time of final settlement of the proclamation under Order XXI Rule 66. In support of his contention, the learned counsel for the petitioners relied upon various judgments of the Hon'ble Supreme Court and as well as of this Court. Following the same, the Hon'ble Supreme Court has categorically held that It is the duty of the Court to consider whether it is necessary to bring the entire attached property to sale or only such portion thereof as may seem necessary to satisfy the decree. If the property is large and the decree to be satisfied is small, the court must bring only such portion of the property to sale as is necessary.

Considering the observations of the Hon'ble Supreme Court, there shall be a stay of all further proceedings pursuant to the order dt.09.02.2026 passed in E.P.No.105 of 2022 in O.S.No.7 of 2015 on the file of the Court of the IX Additional District Judge, West Godavari, Kovvur, for a period of ten (10) weeks.

List after six (06) weeks.

In the meanwhile, the petitioners are permitted to take out personal notice to the respondent through Speed Post and file proof of service in the Registry.

//TRUE COPY//

For

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The IX Additional District Judge, West Godavari, Kovvur
2. Thota Naveen Kishore, S/o. Parasauramudu, Aged about 28 years, R/o.
H. No. 13-25-31/1, Gunupudi, Bhimavaram, Bhimavaram Mandal, W.G.
Dt. (by RPAD)
3. One CC to Sri M R S Srinivas, Advocate [OPUC]
4. One spare copy

HIGH COURT

DR, J

DATED: 22/04/2026

LIST AFTER SIX (06) WEEKS

ORDER

CRP.NO.1213 OF 2026

INTERIM STAY

