

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE SIXTH DAY OF MAY,
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM
APPEAL SUIT NO: 229 OF 2025

Between:

Venumbaka Ramana Reddy, S/o Radha Krishna Reddy, Hindu, aged about 59 years, Medical Practitioner, R/o Flat No.6, Prasanth Kutir, Saraswathi Nagar, Dargamitta, Nellore town, SPSR Nellore District.

...Appellant/Plaintiff

AND

1. Karreyeddula Audi Sessaiah, S/o Subbaiah, Hindu, aged about 60 years, Agriculturist, R/o Bramhadevi Village, Muthukur Mandal, SPSR Nellore District.
2. Yerrabolu Suresh, S/o late Audi Sessaiah, Hindu, aged about 54 years, Private Employee, Residing at D.No. 25-2-950, Police Colony, Nellore-524004.
3. Yerrabolu Rajesh, S/o late Audi Sessaiah, Hindu, aged about 52 years, Private Employee Residing at D.No. 25-2-950, Police Colony, Nellore-524004.
4. Yerrabolu Kavitha, W/o late Rama Mohan Rao, Hindu, aged about 42 years, Housewife, R/o D.No. 26-9-10, Near KNRM High School, B V Nagar, Nellore City, SPSR Nellore District.
5. Yerrabolu Sai Likitha, D/o late Rama Mohan Rao, Hindu, aged 24 years, Housewife, R/o D.No. 26-9-10, Near KNRM High School, B V Nagar, Nellore City, SPSR Nellore District.

6. Yerrabolu Sai Harshitha, D/o late Rama Mohan Rao, Hindu, aged 24 years. Housewife, R/o D.No. 26-9-10, Near KNRM High School, B V Nagar, Nellore City, SPSR Nellore District.
7. Venati Suresh Reddy, S/o Subramanyam Reddy, Hindu, aged about 55 years. Property owner. Residing at Bank Colony, B V Nagar, Nellore City.
8. Venati Sudhakar Reddy, S/o Chenga Reddy, Hindu, aged about 56 years. Property owner. Residing at Bank Colony, B V Nagar, Nellore City.

...Respondents/Defendants

Appeal Under Section 96 of CPC, against aggrieved of the decree and judgment begs to prefer the Appeal against the impugned Judgment and decree in O.S.No.32/2021 passed by the III Additional District Judge, Nellore dt. 13.03.2025;

IA NO: 1 OF 2025:

Appeal under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant temporary injunction restraining the Respondents, their men or anybody on their behalf from in any way interfering with petitioner's peaceful possession and enjoyment of suit property, pending disposal of AS.No.229 of 2025, 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 P.V.Raghu Ram, Advocate for the Petitioner, the Court made the following;

ORDER:

“Heard learned counsel for the appellant.

2. The appellant is the plaintiff. He filed suit for declaration of title and for injunction against the defendants/respondents. The suit has been dismissed. Learned Court has recorded the finding that the plaintiff is not in possession. The defendants are also not in a possession of the suit property. The finding has also been recorded that the burden of proof was on the plaintiff in the suit to establish title and possession for injunction.

3. Learned counsel for the appellant submits that in support of his case, the plaintiff filed the sale deed of the year 2012 in his favour executed by the plaintiff's vendor and also filed the sale deed which was in favour of the plaintiff's vendor dated 19.02.1969. He further submits that defendant's case inter-alia was that one Ganta Subbaramaiah who was the absolute owner of the plaint C Schedule property and was in possession, he adopted one Ganta Chennamma alias Kalluru Chennamma and executed the Will dated 23.06.1967 in his favour from whom the defendants purchased the property, but, the defendants did not file any document in support of their case. Learned counsel for the appellant submits that under the circumstances, the plaintiff discharged his burden of proof by filing the documents of title but the learned Trial Court taking an erroneous view that the plaintiff's vendor's vendor title could not be proved, dismissed the suit.

4. The matter requires consideration.

5. Issue notice to the respondents.

6. In addition to the normal mode of service, the appellant is permitted to take out personal notice to the respondents by registered post and acknowledgment due and file proof of service in the Registry before the next date of listing.

7. Post after Summer Vacation, 2025.

8. Till the next date of listing, the parties shall maintain status-quo as it exists today and based on this order the parties shall not try to take possession of the scheduled property."

//TRUE COPY//

Sd/-Sk.Md.Rafi
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The III Additional District Judge, Nellore
2. Karreyeddula Audi Seshaiah, S/o Subbaiah, R/o Bramhadevi Village, Muthukur Mandal, SPSR Nellore District.
3. Yerrabolu Suresh, S/o late Audi Seshaiah, Residing at D.No. 25-2-950, Police Colony, Nellore-524004.
4. Yerrabolu Rajesh, S/o late Audi Seshaiah, Residing at D.No. 25-2-950, Police Colony, Nellore-524004.
5. Yerrabolu Kavitha, W/o late Rama Mohan Rao, R/o D.No. 26-9-10, Near KNRM High School, B V Nagar, Nellore City, SPSR Nellore District.
6. Yerrabolu Sai Likitha, D/o late Rama Mohan Rao, R/o D.No. 26-9-10, Near KNRM High School, B V Nagar, Nellore City, SPSR Nellore District.
7. Yerrabolu Sai Harshitha, D/o late Rama Mohan Rao, R/o D.No. 26-9-10, Near KNRM High School, B V Nagar, Nellore City, SPSR Nellore District.
8. Venati Suresh Reddy, S/o Subramanyam Reddy, Residing at Bank Colony, B V Nagar, Nellore City.
9. Venati Sudhakar Reddy, S/o Chenga Reddy, Hindu, aged about 56 years. Property owner. Residing at Bank Colony, B V Nagar, Nellore City. (Addressee Nos.2 to 9 by RPAD)
10. One CC to Sri. P.V.Raghu Ram, Advocate [OPUC]
11. Two spare copies

HIGH COURT

RNT,J

&

MRK,J

DATED:06/05/2025

POST AFTER SUMMER VACATION, 2025

ORDER

AS.No.229 of 2025

STATUS QUO

