

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI
CIVIL REVISION PETITION NO: 1575 OF 2023



Between:

Gujjula Padma, W/o Chittibabu, aged about 49 years, R/at Door No.8-6-48/1, Pantulugarimeda Near Latha Hospital, Old Gajuwaka Visakhapatnam District.

Petitioner/ Petitioner/ Plaintiff

AND

1. M.Vijayalakshmi, W/o M. Venkaiah, aged about 58 years, R/at MIG-71, H-2, 50-9, Sector-11 MVP Colony, Visakhapatnam-530017.
2. P. Grahaneswar Rao, S/o not known, aged about 56 years, R/at Door No.8-4-66/1, Flat No.3F-5, Viswakala Apartments, Pedawaltair, Visakhapatnam-530017
3. Sasubilli Ham Sriramulu, S/o not known, aged about 62 years, R/at Door No.8-3-12/5(2), Vizianagaram palace layout Pedawaltair, Visakhapatnam-530017

Respondents/Respondents/Defendants

Petition under Article 227 of the Constitution of India, being aggrieved by the Order dated 25.04.2023 in I.A.No.128 of 2023 in OS No.41 of 2019 passed by the Principal Senior Civil Judge, Gajuwaka.

IA NO: 1 OF 2023

Petition 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 stay of all further proceedings in O.S.No 41 of 2019 on the file of the Principal Senior Civil Judge Gajuwaka and, Pending disposal of CRP 1575 of 2023, 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 Rajkumar, Advocate for the Petitioner, and the Court made the following
ORDER

Learned counsel for the petitioner submitted that the petitioner is the plaintiff who got filed a suit in O.S.No.41 of 2019 on the file of Principal Senior Civil Judge, Gajuwaka, for permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the plaintiff. In the said suit, the petitioner/plaintiff filed her chief affidavit. Pursuant to the same, the petitioner could not enter into the witness box due to various reasons including one such that the petitioner counsel is not well. The Court below eschewed the evidence of PW1 on the ground that she did not enter the witness box. In the said circumstances, I.A.No.128 of 2023 has been filed praying the Court to set aside the eschew order dated 16.03.2023 passed by the Court. The said application has been dismissed by the Court erroneously. In fact, the plaintiff is ready to let in her evidence as PW1 and a fair opportunity if given, her rights will be protected otherwise the purpose of filing the suit would be defeated. He further contended that the Hon'ble Apex Court has categorically held that the Courts should not shut the evidence of the parties. The petitioner is having good case. Now the matter is being listed for defendant's side evidence and the posted today before the Court below. He further submitted that the initially this Court on 11.07.2023 ordered notice on the respondent, later the matter has not been listed despite best efforts made by the learned counsel. He further submitted that if the defendant's evidence is concluded, the purpose of filing the suit as well as the revision would be defeated, as such, prayed to stay the suit.

2.Perused the record and considered the submissions made by the learned counsel for the parties.



3. *Prima facie*, a point has been made out for consideration, as such, this Court is inclined to pass the following order:

“There shall be stay of all further proceedings in O.S.No.41 of 2019 on the file of the Principal Senior Civil Judge, Gajuwaka, for a period of four (04) weeks.”

5. Post on 31.03.2026.

//TRUE COPY//

**SD/-SK MD RAFI
DEPUTY REGISTRAR
SECTION OFFICER**

To,

1. The Principal Senior Civil Judge, Gajuwaka.
2. M.Vijayalakshmi, W/o M. Venkaiah, R/at MIG-71, H-2, 50-9, Sector-11 MVP Colony, Visakhapatnam-530017.
3. P. Grahaneswar Rao, R/at Door No.8-4-66/1, Flat No.3F-5, Viswakala Apartments, Pedawaltair, Visakhapatnam-530017
4. Sasubilli Ham Sriramulu, R/at Door No.8-3-12/5(2), Vizianagaram palace layout Pedawaltair, Visakhapatnam-530017(by RPAD)
5. One CC to SRI. P RAJKUMAR, Advocate [OPUC]
6. **One spare copy**

ADP

HIGH COURT

RC,J

DATED:24/03/2026

POST ON 31.03.2026

ORDER

CRP.No.1575 of 2023

STAY

