

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE TWELFTH DAY OF JULY

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO



IA No. 1 OF 2024

IN

CRP NO: 1493 OF 2024

Between:

Akula Rama, W/o. (Late) Appala Raju Aged. 62 years, R/o. D.No. 65-3-165,
Hanuman Nagar, Sriharipuram, Vishakapatnam Urban, Vishakapatnam.

...Petitioner/petitioner/J.D.R

AND

Gundubolu Sankara Rao, S/o. (Late) G.R. Murthy, Aged. 67 Years, R/o. D.No.
53-33-40, G.F.2, Kameswari Heights, K.R.M. Colony, Seetamadhara,
Vishakapatnam.

...Respondent/Respondent/D.H.R

Counsel for the Petitioner : Smt MSVS SUDHA RANI

Counsel for the Respondent :

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to grant interim suspension of the Order dt : 09-05- 2024 in E.P No. 212 of 2022 in O.S No. 514 /1995 on the file of The II Additional Civil Judge (Senior Division), Visakhapatnam, Pending disposal of CRP No. 1493 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Heard Sri K.A.Narasimham, learned counsel, representing Smt.MSVS Sudha Rani, learned counsel for the Petitioner.

His submission is that in earlier E.P. No.195 of 2006 filed by the respondent/DHR, the Court Amin found E.P. schedule property was not tallied and returned the warrant and the E.P. was dismissed for default on 12.10.2011 and the respondent/DHR filed another E.P. No.113 of 2004 and the same was also dismissed for default for non-prosecution and now the present E.P. No.212 of 2022 was filed with the same boundaries and description, but this time the E.P. was ordered by the Executing Court inspite of the objections of the JDR that in earlier E.P. No.195 of 2006, the Amin found that the E.P. schedule property was not tallied on ground.

Challenging the order dated 09.05.2024 in E.P. No.212 of 2022, the present CRP is filed.

Thus, the submission of the counsel is that when the E.P. schedule property is not tallied on ground, the D.Hr owes a responsibility to explain the reason for differences in the E.P. schedule and on ground schedule. However, such an effort was not made by the D.Hr, but unfortunately, the delivery was ordered. On this ground, learned counsel sought for stay of the impugned order.

The argument raised by the learned counsel for petitioner needs detailed hearing after respondent puts his appearance. Therefore, while permitting the petitioner to take personal notice on the respondent by 31.07.2024, there shall be stay of operation of the order dated 09.05.2024 in E.P. No.212 of 2022 provided the E.P. schedule property is not already delivered to the respondent/DHR.

A SD/- P.VINOD KUMAR
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

For A

To,

1. The II Additional Civil Judge (Senior Division), Visakhapatnam,
Visakhapatnam District
2. Gundubolu Sankara Rao, S/o. (Late) G.R. Murthy, Aged. 67 Years, R/o.
D.No. 53-33-40, G.F.2, Kameswari Heights, K.R.M. Colony,
Seetamadhara, Vishakapatnam. (By RPAD)
3. One CC to SMT MSVS SUDHA RANI Advocate [OPUC]
4. One spare copy

PSR

HIGH COURT

UDPR,J

DATED:12/07/2024

ORDER

IA No. 1 OF 2024
IN
CRP NO: 1493 OF 2024

INTERIM STAY

