

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE ELEVENTH DAY OF JULY

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 1 OF 2025

IN

CRP NO: 1676 OF 2025



Between:

Tatineni Saket Ram Chowdary, S/o.Late Ramesh Kumar, Age 30 years, Occ Business, R/o.D.No.6-22-6, East Point Colony, Near Girijan Bhavan, Chinna Waltair, Visakhapatnam -17.

...Petitioner/Respondent/D.Hr

AND

1. Valivela Ramesh, S/o.Late Sambasiva Rao, Age 60 years, Occ Business, R/o.H.No.1-11, Kotha Agraharam, Cheepurupalli Village & Mandal, Vizianagaram District.

...Respondent/ Petitioner/J.Dr

2. Velivela Bhargav, S/o.Late Raghunadh Age 31 years, R/o.H.No.1-11, Private Employee, Kotha Agraharam, Cheepurupalli Village & Mandal, Vizianagaram District.

...Respondent/Respondent/Claim Petitioner

Counsel for the Petitioner : SRI K SITA RAM

Counsel for the Respondent : ----

Petition under Section 151 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 stay of all further proceedings in EA No.646/2022 in EP No. 91/2017 on the file of Court of the Principal District

Judge, Vizianagaram, Pending disposal of CRP No. 1676 of 2025, 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). The Court made the following

ORDER:

“Learned counsel for the petitioner submitted that pursuant to decree passed in O.S.No.390/2016 (money decree), the petitioner/D.Hr got filed E.P.No.91/2017 to execute decree by bringing the schedule property which got attached before the judgments by way of sale against respondent no.1 herein/J.Dr. In the said E.P, the 2nd respondent got filed E.A.No.646/2022 under Order XXI Rule 58 claiming his right over E.P schedule property. Pending adjudication of the said E.A.No.646/2022, the J.Dr filed application vide E.A.No.224/2024 in the said claim petition, to recall D.Hr for further cross examination to confront with few documents which are necessary in adjudication of the application. He further submitted that the court below has allowed the said E.A.No.224/2024 erroneously and if the said order is allowed to subsist, it amounts to miscarriage of justice apart from affecting the rights of the petitioner. The petitioner got a good case to agitate before this Hon’ble Court in the present CRP. In the meantime, if the cross-examination takes place, the purpose of filing the CRP would be defeated. As such prayed to pass appropriate orders in that regard.

Perused the record. Considered the submissions made by the learned counsel for the petitioner. Prima facie, there is a point made out for consideration. As rightly contended by the learned counsel for the petitioner, if the said order is allowed to subsist and cross-examination takes place, there is every likelihood of affecting the rights of the

petitioner and also would defeat the purpose of filing the CRP. In view of the same, this Court is inclined to grant the following interim order:

There shall be stay of all further proceedings pursuant to orders passed in E.A.No.224/2024 for a period of four(04) weeks.”

//TRUE COPY//

For /

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal District Judge, Vizianagaram.
2. Valivela Ramesh, S/o.Late Sambasiva Rao, Age 60 years, Occ Business, R/o.H.No.1-11, Kotha Agraharam, Cheepurupalli Village & Mandal, Vizianagaram District.
3. Velivela Bhargav, S/o.Late Raghunadh Age 31 years, R/o.H.No.1-11, Private Employee, Kotha Agraharam, Cheepurupalli Village & Mandal, Vizianagaram District. (Addresses 2 & 3 by RPAD)
4. One CC to SRI. K SITA RAM, Advocate [OPUC]
5. One spare copy

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HIGH COURT

RC,J

DATED:11/07/2025

POST ON 25.07.2025.

ORDER

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IN

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STAY

