

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

:PRESENT:

**THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN
SECOND APPEAL NO: 736 OF 2019**

Between:

Sunkara Anupama, W/o. Srinivasa Rao, Aged 35 years, Housewife and Landlady,
R/o. Flat No.A3, Veerabhadra Arcade, Rajaji Street, Kakinada.

...Petitioner/ Plaintiff

AND

1. Mullapudi Venkateswara Rao, S/o.Rama Subbarao, Aged 53 years, Business,
R/o. Kakinada.

.....Respondent/D.Hr.

2. Kodidasu Rambabu, S/o. Appalaswamy, Aged 48 years, Business, R/o. D.No.38-
1-17, Cinema Street, Kakinada.

Respondent/J.Dr.

Second Appeal filed under Section 100 CPC against the Decree and Judgment dated 29.07.2019 in AS 27/2014 on the file of the III Additional District Judge, East Godavari at Kakinada in confirming the decree and judgment dated 20.01.2014 in E.A.No.90/2010 in E.P.No.204/2010 in O.S.No.91/2003 on the file of the I Additional Senior Civil Judge's Court, Kakinada.

IA NO: 1 OF 2019

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 stay all further proceedings pursuant to the auction held on 27.08.2019 in EP 204/2010 in OS 91/2003 on the file of the I Additional Senior Civil Judge, Kakinada, in the interest of justice., Pending disposal of SA 736 of 2019, 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 G RAMA GOPAL Advocate for the Petitioner and Advocate for the Respondent, the Court made the following.

ORDER:

"Heard the learned counsel for the appellant. This second appeal arises against the Judgment in A.S.No.27 of 2014 on the file of III Additional District Judge dated 29.07.2019 confirming the order in E.A.No.90 of 2010 in E.P.No.204 of 2010 in O.S.No.91 of 2003 on the file of I Additional Senior Civil Judge, Kakinada dated 20.01.2014.

The petitioner herein is the appellant/3rd party claim petitioner before the lower appellate Court and the 1st respondent herein is the 1st respondent before the lower appellate Court and the decree holder in the E.P. The 2nd respondent herein is the 2nd respondent before the lower appellate Court and the Judgment debtor in the Execution proceedings.

The substantial question of law arises for consideration is as follows:

"Whether the alienation of the subject property is barred under Section 64 (2) C.P.C.?"

Admit.

Issue notice.

The counsel for the appellant is permitted to take out personal notice to the respondents and proof of service shall be filed within three (03) weeks from today.

Pending further orders, there shall be an order of Status-quo as on today to be maintained by the parties concerned."

//TRUE COPY//

Sd/- V. SATYANARAYANA
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The I Additional Senior Civil Judge, Kakinada.
2. The III Additional District Judge, East Godavari at Kakinada.
3. Mullapudi Venkateswara Rao, S/o. Rama Subbarao, Business, R/o. Kakinada.
4. Kodidasu Rambabu, S/o. Appalaswamy, Business, R/o. D.No.38-1-17, Cinema Street, Kakinada. (by RPAD)
5. One CC to SRI. G RAMA GOPAL Advocate [OPUC]
6. **One spare copy**

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HIGH COURT

BKMJ

DATED:21/07/2022

ORDER

SA.No.736 of 2019

STATUS QUO

