

[3501]

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE SIXTH DAY OF SEPTEMBER

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA

CIVIL MISCELLANEOUS APPEAL NO: 593 OF 2024

Between:

1. Peram Radhika Kiran, W/o P. Venkataramana Aged about 46 years, residing at Flat No.20-7-27/101, 1st Floor, Vasavi Sri Towers, DBR Hospital Road, Maruthi Nagar, Korlagunta, Tirupati
2. P. Venkataramana, S/o P. Venkatarathnam aged about 51 years, residing at Flat No.20-7-27/101, 1st Floor, Vasavi Sri Towers, DBR Hospital Road, Maruthi Nagar, Korlagunta, Tirupati,

Appellants/Respondent Nos. 4 & 5/Defendant Nos. 4 & 5

AND

1. V Kavitha, W/o N. Damu Aged about 43 years Residing at D.No.3-74/A, Weavers Colony, Aranyakandriga village, Narayanavanam Mandal Tirupati District
2. N. Kalpana, W/o Late N. Srinivasulu Aged about 41 years. Residing at D.No.11/137/2/S2, Lumbini apartments, water tank street, PutturTown and Mandal, Tirupati District

Respondents/Petitioners 1 & 2/Plaintiffs 1 & 2

3. V. Subbarama Naidu, S/o Late V. Rama Naidu Aged about 73 years, Business, Residing at D.No.13-5-531/11/B, TATA Nagar, Tirupati Tirupati District
4. V. Suguna, W/o V. Subbarama Naidu Aged about 63 years. Business, Residing at D.No. 11 -116C, Water Tank Street, Puttur Tirupati District

5. Y. Mohanamma, W/o Y. Munaswamy Naidu Aged about 62 years.
Residing at D.No.20-7-27/101, 1st Floor, Vasavisri Towers Korlagunta,
Tirupati, Tirupati District

Respondents/Respondents 1 to 3/Defendants 1 to 3

WHEREAS the Appellants above named through their Advocate SRI C V R RUDRA PRASAD presented this Petition under Order 43 Rule 1 of C.P.C., praying that in the circumstances stated in the affidavit filed in support of the Civil Miscellaneous Appeal, the High Court may be pleased to allow the appeal by setting aside the impugned Decree and Order dated 09.05.2024 passed in I.A. No. 182 OF 2023 in O.S. No. 73 of 2022 on the file of the Court of X Addl. District Judge at Tirupati

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri C V R RUDRA PRASAD Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this CIVIL MISCELLANEOUS APPEAL should not be admitted.

You viz:

1. V Kavitha, W/o N. Damu Aged about 43 years Residing at D.No.3-74/A, Weavers Colony, Aranyakandriga village, Narayanavanam Mandal Tirupati District
2. N. Kalpana, W/o Late N. Srinivasulu Aged about 41 years. Residing at D.No.11/137/2/S2, Lumbini apartments, water tank street, PutturTown and Mandal, Tirupati District
3. V. Subbarama Naidu, S/o Late V. Rama Naidu Aged about 73 years, Business, Residing at D.No.13-5-531/11/B, TATA Nagar, Tirupati Tirupati District
4. V. Suguna, W/o V. Subbarama Naidu Aged about 63 years. Business, Residing at D.No. 11 -116C, Water Tank Street, Puttur Tirupati District

5. Y. Mohanamma, W/o Y. Munaswamy Naidu Aged about 62 years.
Residing at D.No.20-7-27/101, 1st Floor, Vasavisri Towers Korlagunta,
Tirupati, Tirupati District

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith(copy enclosed) this **CIVIL MISCELLANEOUS APPEAL** should not be admitted within four weeks.

IA NO: 1 OF 2024

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 suspend the operation of the order and decree 09-05-2024 in IA No. 182 of 2023 in OS 73 of 2022 on the file of the X Additional District Judge, Tirupati, pending disposal of CMA No. 593 of 2024, on the file of the High Court.

The Court made the following order:

“Heard Sri C.V.R.Rudra Parsad, learned counsel for the appellants.

2. The appellants are the defendant Nos.4 & 5 in O.S.NO.73 of 2022 filed for partition of the plaint schedule property on the file of X Additional District Judge, Tirupati filed by the plaintiffs/respondent Nos.1 & 2.

3. The plaintiffs/respondent Nos.1 & 2 filed I.A.No.182 of 2023 for grant of temporary injunction, which has been allowed by an order dated 09.05.2024, under challenge.

4. Learned counsel for the appellants submits that the defendants/appellants filed objection to temporary injunction application. Though their case is mentioned in the impugned order but at the time of consideration their case has not been considered and only considering the plaintiffs case, the temporary injunction application has

been allowed. He submits that the Court has not recorded the specific finding on the prima face case.

5. After having gone through the impugned order, it appears that there is substance in the submission advanced by the learned counsel for the appellants. The Court of X Additional District Judge, Tirupati has started consideration after framing the point on para Nos.7 & 8 onwards but has not considered the case/arguments of the defendants /defendants' counsel.

6. Issue notice to the respondents.

7. In addition to the normal mode of service, the appellants are 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.

8. Post after four (04) weeks.

9. Considering the nature of the suit that it is for partition and dispute between the parties, which prima facie appears to be for some of the plaint schedule property to be self acquired property and not the ancestral property, which would require trial, we provide that the parties shall maintain status quo with respect to the plaint schedule property, till the next date of listing."

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The X Additional District Judge, Tirupati
2. V Kavitha, W/o N. Damu Aged about 43 years Residing at D.No.3-74/A, Weavers Colony, Aranyakandrige village, Narayanavanam Mandal Tirupati District

3. N. Kalpana, W/o Late N. Srinivasulu Aged about 41 years. Residing at D.No.11/137/2/S2, Lumbini apartments, water tank street, PutturTown and Mandal, Tirupati District
4. V. Subbarama Naidu, S/o Late V. Rama Naidu Aged about 73 years, Business, Residing at D.No.13-5-531/11/B, TATA Nagar, Tirupati Tirupati District
5. V. Suguna, W/o V. Subbarama Naidu Aged about 63 years. Business, Residing at D.No. 11 -116C, Water Tank Street, Puttur Tirupati District
6. Y. Mohanamma, W/o Y. Munaswamy Naidu Aged about 62 years. Residing at D.No.20-7-27/101, 1st Floor, Vasavisri Towers Korlagunta, Tirupati, Tirupati District (2 to 6 by RPAD- along with a copy of petition and memorandum of grounds)
7. One CC to SRI. C V R RUDRA PRASAD Advocate [OPUC]
8. Two spare copies

HIGH COURT

RNT,J

&

VJP,J

DATED:06/09/2024

POST AFTER FOUR (04) WEEKS

NOTICE BEFORE ADMISSION

CMA.No.593 of 2024

STATUS QUO

