

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY ,THE TWENTY SECOND DAY OF APRIL

TWO THOUSAND AND TWENTY SIX



:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

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, Aranyakandruga 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, Puttur Town 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, TirupatiTirupati 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

Petition under Order 43 Rule 1 of C.P.C, is filed praying that in the circumstances stated in the memorandum of grounds 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. 147 OF 2022 in O.S. No. 73 of 2022 on the file of the Court of X Addl. District Judge at Tirupati.

IA NO: 1 OF 2024

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 suspend the operation of the order and decree dated: 09.05.2024 in IA No. 147 of 2022 in OS 73 of 2022 on the file of the X Additional District Judge, Tirupati, pending disposal of CMA No. 594 of 2024, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and the earlier orders of the High Court dated 06.09.2024, 04.10.2024, 14.11.2024, 02.01.2025, 23.01.2025, 20.02.2025, 03.04.2025, 08.05.2025, 05.03.2026 & 30.03.2026 made herein and upon hearing the arguments of SRI. C V R RUDRA PRASAD Advocate for the Petitioners, and of SRI. SURYA TEJA ANUMOLU Advocate for the Respondent No.3, and there is no representation for the respondent Nos.1, 2, 4 & 5, and the Court made the following

ORDER:

“I.A.No.1 of 2026 in CMA No.593 of 2024 is an application filed by the respondents 1 and 2 in the appeal, seeking grant of police aid to the said respondents for implementing the interim order dated 06.09.2024 passed in I.A.No.1 of 2024 to maintain status quo.

2. The said application has been filed inter alia on the ground that in spite of the interim order dated 06.09.2024, the appellants are violating the same and have raised certain structures which are still on plaint schedule property. The suit for partition was pending before the learned Trial Court.

3. Learned counsel for the appellants submits that the appellants have filed the counter and have denied any such construction being raised in violation of the interim order. He further submits that in the suit, various applications were filed by the plaintiffs/respondents, including the one for appointment of the advocate commissioner, which was allowed and pursuant thereof the advocate commissioner visited that spot on 27.09.2024 and submitted the report dated 28.09.2024. He further submits that challenging the order of appointment of the advocate commissioner, C.R.P.No.2117 of 2024 has been filed, which is pending before this Court. He further submits that some more C.R.Ps are pending in this Court, arising out of the interlocutory proceedings of the same suit for partition, in which also there is some interim order.

4. Let the copies of the interim orders in the pending matters as aforesaid be placed before this Court vide a memo.

5. Considering the submissions advanced as also the affidavit in support of application, which also refers to the report of the advocate commissioner dated 28.09.2024 and which has been made the very basis to file I.A.No.1 of 2026, and which in the submission of the appellant's counsel cannot be placed reliance, in view of the interim order passed in C.R.P.No.2117 of 2024, we consider it appropriate to call for the report from the District Collector, Tirupati, on the point inter alia of the present construction, as also if the construction is of the recent past. A physical inspection may be made or got to be made through some responsible officer to be deputed by the District Collector as also along with a responsible officer from Tirupati Municipal Corporation, who are also directed to cooperate.

6. Let the report be submitted before the next date of listing.

7. The District Collector shall ensure that the interim order passed by this Court on 06.09.2024 is not violated by any of the parties.

8. It is clarified that the report of the District Collector to be so submitted shall be without prejudice to the report submitted by the advocate commissioner, and shall be primarily in this appeal only and also shall remain subject to the further orders in this appeal.

9. List on 17.06.2026.

10. The interim order granted earlier is extended till the next date of listing.

11. Let a copy of this order be sent to the District Collector, Tirupati as also the Tirupati Municipal Corporation."

//TRUE COPY//

SD/-K.V.RAGHAVULU
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The X Additional District Judge, Tirupati, Chittoor District.
2. IV Additional District Court, Tirupati
3. The District Collector, Tirupati, Tirupati District (BY SPEED POST)
4. The Commissioner, Tirupati Municipal Corporation, Tirupati District (BY SPEED POST)
5. One CC to SRI. C V R RUDRA PRASAD, Advocate [OPUC]
6. One CC to VUBBARA DUSHYANTH REDDY, Advocate [OPUC]
7. One CC to SURYA TEJA ANUMOLU, Advocate [OPUC]
8. One SRI. K.KRANTHI CHAITANYA, Advocate [OPUC]
9. Two spare copies

HIGH COURT

RNT,J
&
BM,J

DATED:22/04/2026

LIST ON 17.06.2026

ORDER

CMA.No.593 of 2024

INTERIM ORDER EXTENDED

