

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE SIXTH DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 1 OF 2025

IN

CRP NO: 1904 OF 2025



Between:

Kurivella Bala Sudhakar, S/o.Peddanna, Aged about 62 years, Occ.
Business, R/o.D.No.12-13-12, Kuglar Hospital Road, Kothapet, Guntur,
Guntur District. Judgment-debtor

Petitioner/Judgment Debtor

AND

K. Upendra Gupta, S/o.Anjaneyulu, Aged about 73 years, Occ.
Business, R/o.Flat No.TF-7, Maha Lakshmi Towers, Main Road,
Lakshmipuram, Guntur, Guntur District, holder

...Respondent/Decree holder

Counsel for the Petitioner: SRI HIMA BINDU DRAKSHARAM

Counsel for the Respondent: SRI A K KISHORE REDDY

Petition Under Section 115 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the execution of Order, dated 01-07-2025 passed the Prl. Civil Judge (Senior Division) Court, Guntur in E.P.No.103 / 2023 in O.S.No.195 / 2006, pending disposal of the Civil Revision Petition and Pending disposal of CRP No. 1904 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, in elaboration to what has been stated in the affidavit, contends that despite taking the stand in the counter affidavit filed before the Court below that the petitioner herein/Judgment Debtor is not having sufficient means and capacity to repay the decretal amount and he is ready to pay the same by selling his properties, his properties were attached through E.P.No.175 of 2019. Subsequently, the respondent herein/Decree holder filed E.P.No.103 of 2023 for arrest of the petitioner on the ground that the petitioner is trying to alienate the schedule property to third parties and go for Abroad. The Executing Court vide impugned order dated 01.07.2025, issued arrest warrant against the petitioner herein. If the order still subsists, it will curtail the civil liberty of the petitioner. He further submitted that when the properties were already attached by the Executing Court, the question of alienating such properties to the third party by the petitioner does not arise and the Court below has erroneously passed the impugned order. Hence, prayed to pass orders protecting the interest of the petitioner.

Perused the material available on record. The submissions made by the learned counsel for petitioner and the grounds raised in this Revision Petition *prima facie* makes out a point for consideration to be decided in this Revision Petition. Hence, this Court is inclined to grant the following interim direction:

There shall be stay of all further proceedings pursuant to the order dated 01.07.2025 passed in E.P.No.103 of 2023 in O.S.No.195 of 2006 on the file of the Court of Principal Civil Judge (Senior Division), Guntur for a period of two (2) weeks.

//TRUE COPY//

SD/- T. SRINIVASA RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. K. Upendra Gupta, S/o.Anjaneyulu, Aged about 73 years, Occ. Business, R/o.Flat No.TF-7, Maha Lakshmi Towers, Main Road, Lakshmipuram, Guntur, Guntur District, (By RPAD)
2. One CC to SRI. HIMA BINDU DRAKSHARAM Advocate [OPUC]
3. One CC to SRI. A K KISHORE REDDY Advocate [OPUC]
4. One spare copy

HIGH COURT

RC,J

DATED: 06/03/2026

POST ON 13.03.2026

ORDER

CRP.No.1904 of 2025

INTERIM STAY

