

APHC010392462025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

MONDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

APPEAL SUIT NO: 609/2025

Between:

Sri Gopisetty Srinivasa Rao

...APPELLANT

AND

Sri Gogineni Sudhakara Rao

...RESPONDENT

Counsel for the Appellant:

1.N ASHWANI KUMAR

Counsel for the Respondent:

1.P SAI SURYA TEJA

The Court made the following interim order:

I.A.No.2 of 2025

1. Heard Sri N.Ashwani Kumar, learned counsel for the petitioner and Sri P.Rajasekhar, learned counsel assisted by Sri P.Sai Surya Teja, learned counsel for the respondent.
2. Learned counsel for the petitioner while reiterating the grounds of the appeal and contents of the affidavit filed in support of application submitted

that, respondent/plaintiff filed a suit vide O.S.No.6 of 2013 for specific performance of agreement of sale dated 30.04.2012. The defendant contested the suit, however, without proper appreciation of the facts and circumstances of the case and law on hand, the court below has decreed the suit with costs of Rs.61,578/- granting specific performance of agreement of sale dated 30.04.2012 and directed the defendant to execute regular registered sale deed and to deliver the vacant possession of the plaint schedule property to the plaintiff. He further submitted that, the Plaintiff filed E.P.No.196/2025 and the matter is posted to day after tomorrow wherein and whereby the petitioner/defendant has to execute draft sale deed. He further submitted that, if E.P. is proceeded further, the right of the petitioner to file an appeal would be defeated. As such prayed for a stay of judgment and decree dated 29.04.2025 passed in O.S.No.6 of 2013.

2. On the other hand, Sri P.Rajasekhar, learned counsel appeared through virtual mode and submitted that, the suit is of the year 2013 and it was decreed in the year 2025, only after filing E.P., the petitioner/defendant preferred an appeal with a delay, which was however, condoned by the court below. He further submitted that, if at all this Court inclined to grant interim stay, a direction may be given to the appellant/petitioner herein not to alienate the subject suit schedule property pending appeal. He further requested for a direction to the petitioner to deposit the suit costs as well.

3. Perused the orders impugned in this present appeal. The submissions made by the both the learned counsel and the grounds raised in this appeal

prima facie makes out a point for consideration to be decided in this appeal. As rightly contended by the learned counsel for the petitioner, if E.P. is proceeded further, the rights of the petitioner apart from purpose of filing the appeal would be defeated and the petitioner/appellant will be put to irreparable loss and hardship. As such this Court is inclined to grant the following interim direction:

There shall be interim stay of all further proceedings in judgment and decree dated 29.04.2025 passed in O.S.No.6 of 2013 on the file of learned Special Judge for trial of offences against Women-cum-V Addl District & sessions Judge, Vizianagaram, subject to condition that the petitioner shall deposit suit costs of Rs.61,578/- within two weeks from today. The petitioner/appellant further directed not to alienate the subject suit schedule property pending disposal of appeal.

Post on 23.03.2026.

JUSTICE RAVI CHEEMALAPATI

*Note: CC tomorrow
B/o
BRS*