



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE FOURTH DAY OF AUGUST,

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

IA No. 1 OF 2024

IN

AS NO: 1199 OF 2018

Between:

Sri Ramakrishna Seva Samithi, K.V.Agraharam, Pogathota, Nellore, Rep.
by its Executive committee Member, Malepati Malyadri, S/o. Kondaiah,
Aged about 70 years, Hindu, R/o 17-4-131, Thipparajuvari Street, Nellore.

...Petitioner/

1st Respondent

(Petitioner in AS 1199 OF 2018

on the file of High Court)

AND

1. Votturu Sampathraju, S/o. Late Bhaskar Rao, Aged about 43 years,
R/o 6-T-802, Ramamurthy Nagar, Nellore.

1st Respondent/

Appellant

2. Arkadu Vasantha Lakshmi

2nd Respondent

(2nd respondent is not necessary in this IA as in the appeal itself it is
endorsed that she is not a necessary party)

(Respondents in-do-)

Petition under Section 151 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 vacate the interim stay granted on 7.8.2018 in I.A.No.1 of 2018 in AS.No.1199 of 2018, pending disposal of AS No.1199 of 2018, on the file of the High Court.

IA.No.1 of 2018:

Votturu Sampathraju, S/o. Late Bhaskar Rao, Aged 38 years, Hindu,
Property Owner, Residing at 6-3-802, Ramamurthy Nagar, Nellore.

...Petitioner

AND

1. Sri Ramakrishna Seva Samithi, K.V.Agraharam, Pogathota, Nellore,
Rep. by its Executive committee Member, Malepati Malyadri, S/o.
Kondaiah, Aged 63 years Hindu, Business, Residing at 17-4-131,
Thipparajuvari Street, Nellore.
2. Arkadu Vasantha Lakshmi (Abated), W/o A.Venkateswarlu
(R2 not necessary)

...Respondents

Petition under Section 151 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 all further proceedings pursuant to Decree Judgment dated 14.02.2018 in O.S.No.189 of 2013 on the file of the Court of the Principal District Judge, Nellore, pending disposal of AS No.1199 of 2018, 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 the order of the High Court dated 07.08.2018 & 02.05.2025 made herein and upon hearing the arguments of Sri P.Sridhar Reddy, Advocate for the Appellant in IA.No.2024 and Respondent No.1 in IA.No.1 of 2018 and Sri Chamarthi Leela Srinivasa Varma, Advocate for the Appellant in IA.No.1 of 2018, the Court made the following;

ORDER:

“This is an application filed by the 1st respondent/plaintiff, to vacate the interim order dated 07.08.2018.

2. This appeal was filed by the 2nd defendant. The 1st respondent is the plaintiff in the suit.

3. On 25.06.2025 in I.A.No.2 of 2024, we allowed the necessary amendments to be made to implead the respondents 3 and 4 only, who are the subsequent transferees from the appellant.

4. In I.A.No.1 of 2024, on 07.08.2018, the following order was passed:

“There shall be interim stay subject to deposit of suit costs within four weeks from today and on condition that the petitioner-appellant shall not alienate the property, change its nature or create any third party rights thereupon, pending further orders. On deposit of suit costs, it is open to the 1st respondent-plaintiff to withdraw the said amount without furnishing any security.”

5. Sri P.Sridhar Reddy, learned counsel for the applicant submits that the appellant has violated the terms of the interim order and during its continuous, the appellant has transferred part of the property in favour of the newly impleaded respondents as also, has created third party rights by creating encumbrance on the property. Consequently, he submits that the interim order deserves to be vacated.

6. Sri Chamarty Leela Srinivasa Varma, learned counsel appearing for the appellant, does not dispute the same. He also submits that already one transaction had taken place during pendency of the suit and one had also taken place after the interim

order was passed. Part of the property was also mortgaged with the Bank. But, he submits that the property has been released from the mortgage. Be that as it may.

7. In view of the admission of acting in violation of the terms of the interim order, the appellant is not entitled for continuance of the interim order. We vacate the interim order.

8. The I.A.No.1 of 2024 is allowed.”

SD/- T. SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For

To,

1. The Principal District Judge, Nellore ✓
3. Votturu Sampathraju, S/o. Late Bhaskar Rao, Aged about 43 years,
R/o 6-T-802, Ramamurthy Nagar, Nellore. (By **RPAD**)
2. One CC to Sri. Chamarthy Leela Srinnivasa Varma, Advocate
[OPUC]
3. One CC to Sri. P.Sridhar Reddy, Advocate [OPUC] ✓
4. One CC to Sri. Madhava Rao Nalluri, Advocate [OPUC]
5. Two spare copies

KJ

HIGH COURT

RNT,J

&

MRK,J

DATED:04/08/2025

LET THE APPEAL BE LISTED FOR FINAL HEARING

ORDER

IA.No.1 OF 2024

IN

AS.No.1199 of 2018

IS IS ALLOWED

