

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

MAIN CASE No: C.R.P. No.2162 of 2025

19

PROCEEDING SHEET

[illegible]

APHC010442992025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

MONDAY, THE 17th DAY OF AUGUST 2026

PRESENT

**THE HONOURABLE MS JUSTICE B S BHANUMATHI
CIVIL REVISION PETITION NO: 2162 OF 2025**

Between:

1. KANAMARLAPUDI SATYANARAYANA, S/o
ChinnaSubbarayudu, aged about 62 years, Occ Business, R/o
Flat No.511, Himagiri Heights Apartment, Vinayaka Nagar, Old
Hafizpet, Hyderabad-42. Previously residing at Porumamilla town
and mandal, Kadapa District

...Petitioner

AND

1. KANAMARLAPUDI RADHIKA, W/o Sateesh, Aged about 42
years, OccBusiness, R/o Ammavarisala Street (main bazr),
Porumamilla village and mandal, Kadapa District.

...Respondent

Petition under Article 227 of the Constitution of India,praying
that in the circumstances stated in the grounds filed herein,the
High Court may be pleased toThe above named Petitioners beg to
present this Memorandum of Civil Revision Petition aggrieved by
the Docket Order dt. 28-07-2025 in I.A.No. 591 of 2025 in
A.S.No.49 OF 2025 on the file of IV Additional district judge,
Kadapa to the extent of deposit of 50PERCENT of the decreetal
amount for the following among other

IA NO: 1 OF 2025

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 please to stay of all further

proceedings in Docket Order dt.28-07-2025 In I.A.No.591 of 2025 in A.S. No. 49 OF 2025 on the file of IV Additional district judge, Kadapa to the extent of deposit of 50% of the decretal amount pending disposal of the main C.R.P. and pass

IA NO: 1 OF 2026

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 may be pleased to vacate the interim order dated 03.09.2025 made in I.A.No.1 of 2025 in CRP No.2162 of 2025 and pass

Counsel for the Petitioner: V NITESH

Counsel for the Respondent PAPUDIPPU SASHIDAR REDDY

The Court made the following order:

This revision petition is filed under Article 227 of Constitution of India against the order dated 28.07.2025 in I.A.No.591 of 2025 in A.S.No.49 of 2025 on the file of the Court of IV Additional District Judge, Kadapa filed under Order LXI Rule 5 of C.P.C and section 151 of C.P.C. to grant stay in execution proceedings in O.S.No.3 of 2020 on the file of the Court of Senior Civil Judge, (Fast Track Court), Rajampet at Badvel.

02. The respondent herein filed suit in O.S.No.03 of 2020 against the revision petitioner herein for recovery of money. The suit was decreed on 02.05.2025. Aggrieved by the decree and judgment, the respondent herein filed an appeal in A.S.No.49 of 2025 along with the appeal he filed I.A.No.591 of 2025.

03. On 28.07.2025, while along with the petition, the appellate Court passed the following order : Page No.5 RESULT

04. Aggrieved by the above order, the petitioner / appellant filed this revision petition challenging the condition imposed therein for depositing of the 50% of the decreetal amount.

05. The learned counsel for the petitioner submitted that imposition of the above condition placed on the revision petitioner an onerous obligation, while challenging the decree and judgment in the appeal, the appellate Court have not been satisfied with the merit in the appeal and that the condition is beyond the capacity of the appellant to comply it. On the other hand, the learned counsel for the respondent prayed to dismiss the revision petition as there is no merit.

06. Since the trial Court passed the decree on consideration of the evidence and the same was challenged in appeal by the defendant, to secure the balance of the interest on both parties

pending adjudication of the appeal, it is necessary to stay the execution proceedings or operation of the decree and judgment in appeal. However, subject to certain terms and conditions, here the revision petitioner contends that the condition is onerous, apart from the challenging the same on the other grounds mentioned above. The revision petitioner could not make out any case to totally set aside the condition imposed by the appellate Court. Therefore, though the condition has it is may not be sustainable, this Court is of the view that the direction to pay 50% decreetal amount may be placed onerous obligation on the appellant even before the matter is adjudicated on merits.

07. As such, the revision petition is partly allowed by modifying the condition to deposit 50% of the decreetal amount to 1/3rd of the decreetal amount within two (02) weeks from the date of receipt of the copy of this order, if the revision petitioner fails to comply the condition, the order of stay stands vacated.

CC by 24.08.2026.