

[3397]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX



:PRESENT:

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO
SECOND APPEAL NO: 108 OF 2013

Between:

1. Togaru Rama Tulasamma (Worngly shown as Tulasamma in CT),
W/o. Sri Buliraju @ Bulleyya Occ: House wife R/o. Vemulavada
Karapa Mandal, East Godavari District
2. Togaru Krishna @ Somayya, (worngly shown as Somayamma in
CT) S/o. Sri Baliraju @ Bulleyya Occ: Cultivation R/o.Vemulavada
Karapa Mandal East Godavari District
3. Togaru Veeraswamy (Died)-
4. Togaru Adinarayana, (worngly shown as Adinarayana Murthy in CT)
S/o. Sri Baliraju @ Bulleyya Occ: Agriculture R/o.Vemulavada
Karapa Mandal East Godavari District
5. Varanasi Devi, W/o Sri Babu Rao, Hindu, Age: 40 Years, Occ:
House Wife, R/o Door No.2-2-1/2, Santhi Nagar, Nidadavole-534
301, West Godavari District
6. Togara Tulasi, D/o Late Sri Krishna, Hindu, Age: 35 Years, Occ:
Private Employee, R/o Vemulawada - 533 462, Karapa Mandal, East
Godavari District

**As per the C.O. dt.17/8/2021, Petitioners/Appellant No.5&6 are
brought on record as LR's of the deceased 2nd Appellant in IA
No.5 of 2021 in SA No 108/2013.**

7. Togara Adilakshmi, W/o Late Sri Adinarayana, Hindu, Age: 61
Years, Occ: House Wife, R/o Vemulawada - 533 462, Karapa
Mandal, East Godavari District

8. Patneedi Veeralakshmi, W/o Sri Agastine, Hindu, Age: 33 Years,
Occ: House Wife, R/o Door No. 39-7-11, Tilak Street, Kakinada -533
001, East Godavari District
9. Togara Bulli Raju, S/o Late Sri Adinarayana, Hindu, Age: 31 Years,
Occ: Private Employee, R/o Vemulawada - 533 462, Karapa Mandal,
East Godavari District

(As per the Court order dated 17-08-2021, Appellant Nos.7 to 9 are brought on record as LR's of the deceased 4th Appellant in IA.No.2 of 2021 in SA No. 108 of 2013)

Appellants/Respondents 1 to 4/Defendants 1 to 4

AND

1. Smt. Jyothula Achayamma (Died)
2. Kuchi Ramalakshmi, W/o. Sri Venkateswara Rao, R/o.Kesavaram - 533
341, Mandapeta Mandal, E.G.District
3. Jyothula Satya Sai Babu, S/o. Late Sathiraju @ Babu Rao Driver
R/o.Vemulavada - 533 462, Karapa Mandal, E.G.District

Respondents/Appellants/Plaintiffs

4. Government of Andhra Pradesh, rep. by District Collector East Godavari
District at Kakinada
(R4 is not necessary to this Second Appeal)

Respondent/Respondent No.5/Defendant No.5

Second Appeal under Section 100 CPC against the Decree and Judgment made in AS No. 13 of 2007 on the file of the court of the III Additional District Judge, Kakinada, dated : 08.11.2012 preferred against the Decree and Judgment made in OS No. 66 of 1999 on the file of the court of the II Addl. Junior Civil Judge, Kakinada dated 02.02.2006

S.A.M.P.NO.254 OF 2013

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings including operation of the judgment and decree made in AS No. 13 of 2007 on the file of

the court of the III Additional District Judge, Kakinada, dated : 08.11.2012 preferred against the Decree and Judgment made in OS No. 66 of 1999 on the file of the court of the II Addl. Junior Civil Judge, Kakinada dated 02.02.2006, Pending disposal of SA 108 of 2013, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and the arguments of SRI N SIVA REDDY, Advocate for the Petitioners, SRI K SUBRAHMANYAM Advocate for the Respondent Nos.2&3, the Court made the following;

ORDER:

Heard learned counsel for the appellant(s).

The following substantial questions of law in the present Second Appeal have been framed for determination under Section 100 of the Code of Civil Procedure, (for „short the C.P.C“.)

1. “Whether the findings of the lower appellate Court in respect of the proof of the will are running contrary to the provisions of Indian Evidence Act?”

ADMIT.

Since the Second Appeal has been admitted by this Court, all further proceedings in final decree petition may go on, except passing of the final decree in O.S.No.66 of 1999, on the file of II Additional Junior Civil Judge, Kakinada.

List the matter on 11.03.2026.

**SD/- K.J.RAJA BABU
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The II Addl. Junior Civil Judge, Kakinada
2. The III Additional District Judge, Kakinada

3. Kuchi Ramalakshmi, W/o. Sri Venkateswara Rao, R/o.Kesavaram - 533 341, Mandapeta Mandal, E.G.District
 4. Jyothula Satya Sai Babu, S/o. Late Sathiraju @ Babu Rao Driver R/o.Vemulavada - 533 462, Karapa Mandal, E.G.District (3&4 by RPAD)
 5. One CC to SRI. N SIVA REDDY Advocate [OPUC] ✓
 6. One CC to SRI. K SUBRAHMANYAM Advocate [OPUC] ✓
 7. One spare copy
- KJ

HIGH COURT

VGKR,J

DATED:19/02/2026

LIST THE MATTER ON 11.03.2026

ORDER

SA.No.108 of 2013

DIRECTION

