

[3367]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE EIGHTH DAY OF DECEMBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE V SRINIVAS



IA No. 1 OF 2025

IN

AS NO: 103 OF 2024

Between:

M.A.Rafeeqe, S/o. Mahaboob Saheb, Prop., Safa Marwah
Constructions, Aged about 62 years Business, back side of House With
Door No.26-3-966 of C.Abhirami Reddy, Bank Colony, B.V.Nagar,
Nellore City

...Appellant/Defendant

(Petitioner in AS 103 OF 2024
on the file of High Court)

AND

Nanduri Gopala Chari, S/o. Kotaiah, Aged about 62 years, Retired
Lecturer, R/o.D.No.27-7-1125/2, Flat No.101, Srinagar, 5th Lane,
A.C.Nagar, Nellore-02

...Respondent/Plaintiff

(Respondents in-do-)

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 post AS.No. 103 of 2024 in the tomorrows
cause list under the caption "For Being Mentioned", Pending disposal of
AS No. 103 of 2024, on the file of the High Court.

IA No. 2 OF 2024

Petition under Order 41 Rule 5 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 all further proceedings pursuant to Decree and Judgment dt.17.04.2023, in O.S.No.14 of 2017 on the file of I Addl. District Judge, Nellore pending disposal of the appeal.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and the order of the High Court dated:25.09.2025 and the arguments of SRI C SUBODH, Advocate for the Petitioner, SRI M. PITCHAIAH, Advocate for the Respondent, the Court made the following;

ORDER:

Heard Sri C. Subodh, learned counsel for the petitioner/appellant. In the order dated 25.09.2025 passed by this Court in I.A.No.2 of 2024, a typographical error was occurred. This Court granted stay of all further proceedings pursuant to the Decree and Judgment dated 17.04.2023 passed in O.S.No.14 of 2017 on the file of the learned I Additional District Judge, Nellore, subject to the condition that the petitioner/appellant shall deposit 50% of the decretal amount along with costs as decreed in O.S.No.14 of 2017 executable decree, within a period of six (6) weeks. However, inadvertently, the condition was typed as the petitioner/appellant shall deposit 50% of the suit amount instead of 50% of the decretal amount. In fact, the suit was filed for recovery of money of Rs.16,00,000/-, and the suit was decreed only for Rs.6,02,229/-.

Therefore, this Court is compelled to pass the following fresh order:

“There shall be an interim stay of all further proceedings pursuant to the Decree and Judgment dated 17.04.2023 passed in O.S.No.14 of 2017 on the file of the learned I Additional District Judge, Nellore,

subject to the condition that the petitioner/appellant shall deposit 50% of the decretal amount along with costs within a period of six (6) weeks from today, failing which this order shall stand vacated automatically".

The respondent/plaintiff is permitted to withdraw the 50% of the decretal amount by furnishing security. Accordingly, this application is ordered.

SD/- T. SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The I Additional District Judge at Nellore.
2. Nanduri Gopala Chari, S/o. Kotaiah, Aged about 62 years, Retired Lecturer, R/o.D.No.27-7-1125/2, Flat No.101, Srinagar, 5th Lane, A.C.Nagar, Nellore-02. (BY RPAD)
3. One CC to Sri. C SUBODH, Advocate [OPUC]
4. One CC to Sri. M PITCHAIAH, Advocate [OPUC]
5. **One spare copy**

KJ

HIGH COURT

SV,J

DATED:08/12/2025

LIST THE MATTER IN THE USUAL COURSE

ORDER

IA No. 1 OF 2025

IN

AS.No.103 of 2024

IA No. 1 OF 2025 IS ALLOWED

