

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR



PRESENT

THE HONOURABLE SRI JUSTICE T.MALLIKARJUNA RAO

IA NO.2 OF 2015 (SAMP NO.1973 OF 2015)

IN

SECOND APPEAL NO: 1008 OF 1998

Between:

Smt. Sanam Radhakrishna, W/o.Late Ramachandra Rao, aged about 71 years, Properties, R/o.Kalikaran, West Godavari District.

...Petitioner/Appellant

AND

1. Veeram Achayamma (Died)
2. Chinthu Nukaraju, S/o.Simhachalam, aged about 66 years, Cultivation, R/o.Kalikaram, West Godavari District. (R2 not necessary party)

...Respondents/Respondents

3. Veeram Tata Rao, S/o.Late Peda Venkateswar Rao, aged: Major, R/o. Toorpuveedi, Kalikaram, Ungutur Mandal, West Godavari District.

(Respondent No.3 is LR of R1 already on record, vide SAMP No.1976/2015 in SA.1008 of 1998)

...Proposed LR of the 1st respondent/Respondent

4. Smt Yelamanchili Seetaram, W/o.Sri Venkateswara Rao, R/o.1-110/1, Komatikunta, Kalanapalli Village, Kalla Mandal, West Godavari District.

(As per the Court Order dated 04-09-2024, Respondent No.4 is brought on record as LR of the deceased Respondent No.1, vide SAMP No.1736 of 2017 in S.A.No.1008 of 1998)

...Respondents/Respondents

IA NO: 2 OF 2015 (SAMP No.1973 OF 2015)

Petition filed under Order IX, Rule 13, read with Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to set-aside the Order dated 10-03-2015 dismissing the above S.A.No.1008 of 1998 for default and restore the same to its original position.

Counsel for the Petitioner :Sri T V Jaggi Reddy

Counsel for the Respondent No.3:Sri K Sitaram

Counsel for the Respondent No.4:None appeared

The Court made the following:

ORDER:

I.A.No.2 of 2015(SAMP No.1973 of 2015)

Heard learned counsel for the petitioner.

Learned counsel for the respondent No.3 is in attendance.

None represented for the respondent No.4.

Learned counsel for the petitioner submits that the petitioner filed legal representatives' application and same was returned due to noncompliance of the office objections and unfortunately the returned petitions were not represented by mistake and office objections were complied. However, in the meantime the matter was called and this

Court dismissed the same for non-prosecution and requests this Court to restore the Appeal.

Learned counsel for the petitioner further submits that they have got fair chances to succeed the Appeal which is against the reversal judgment of the 1st Appellate Court.

Considering the submissions made and without going into the merits of the case, since the petitioner has explained the reasons for non representation on the earlier occasions, this Court is inclined to allow the petition by restoring the Appeal and readmitting it.

In the result, this interlocutory application is allowed, readmitting the Appeal.

S.A.No.1008 OF 1998

List the matter after two (2) weeks.

//TRUE COPY//

SD/- K TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The I Additional District Judge, Eluru, West Godavari District.
2. The Principal District Munsif Court, Eluru, West Godavari District.
3. One CC to Sri T V Jaggi Reddy Advocate [OPUC]
4. One CC to Sri K Sitaram Advocate [OPUC]
5. One CC to Sri C C S Sastry Advocate [OPUC]
6. The Section Officer, V.R Section, High Court of Andhra Pradesh.
7. **Three CD Copies**

BSV

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HIGH COURT

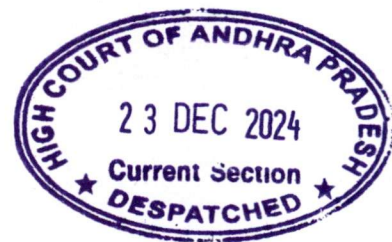
DATED:17/12/2024

Note: After dispatch of this Order, file may be sent to SA Section for further posting.

LIST AFTER TWO WEEKS

ORDER

**IA NO.2 OF 2015 (SAMP NO.1973 OF 2015) IN
SA.No.1008 of 1998**



**ALLOWING THE IA NO.2 OF 2015
BY RESTORING THE APPEAL**