

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE EIGHTEENTH DAY OF SEPTEMBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI



IA No. 1 OF 2025

IN

CRP NO: 2360 OF 2025

Between:

Sarisa Prasad, S/o Late Manikyam, Aged 52, Christian, Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.

...Petitioner(s)

(Petitioner/Defendant No.2 in CRP 2360 OF 2025

on the file of High Court)

AND

1. Sarisa Jojibabu, S/o Rayappa, Converted Christian, Aged 62 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
2. Sarisa Kishore Kumar, S/o Jagibabu, Converted Christian, Aged 43 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
3. Sarisa Rajesh Kumar, S/o Jagibabu, Converted Christian, Aged 40 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.

...Respondents/Plaintiffs

4. Sarisa Swaminadham, S/o Late Jaggayya, Converted Christian, Aged 58 years, Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
5. Sarisa Rosy Mary, W/o Late Bala Shourie, Converted Christian, Aged 45 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.

6. Sarisa Vinod, S/o Late Bala Shourie, Converted Christian, Aged 48 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
7. Sarisa Bhavani, W/o Prasad, Converted Christian, Aged 40 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
8. Sarisa Kumar, ., S/o Late Manikyam, Aged 42 Years, Converted Christian, Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
9. Sarisa Uday Prakash, , S/o Prasad, Converted Christian, Aged 40 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
10. Sarisa Sudhakar, S/o Late Bala Shourie, Converted Christian, Aged 42 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
11. Polamarasetti Prakasha Rao, S/o Late Krishnamma, Converted Christian, Aged 50years, Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
12. Polamarasetti Manikyam, , S/o Late Gangayya, Converted Christian, Aged 65 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
13. Raparathi Kanna Subbarao, S/o Late Suryanarayana, Hindu, Aged 70 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
14. Makena Bhavanarayana Patrudu, S/o Late Acharya Seetharama Pathrdu, Hindu, Aged 80 years. Business, Chintalapalem, KothavalasaMandal, Vizianagaram.
15. Sarisa Nirmala, . W/o Vijaya Kumar, Christian, Aged 35, Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
16. Ashok Kumar, S/o Vijay Kumar, Christian, Aged 15, Mangalapalem, Kothavalasa Mandal, Vizianagaram District.

17. Sowjanya, D/o Late Vijay Kumar, Christian, Aged 13, Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
18. Makena Yathi Rajeshwari, W/o Late Bhavanarayana Patrudu.
19. Makena Hari Haranath Patrudu, , S/o Late Makena Bhavanarayana Patrudu, Aged 42 years, Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
20. Makena Srikanth Patrudu, S/o Late Makena Bhavanarayana Patrudu, Aged 39 years, Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.

...Respondent(s)

(Respondents/Defendants No.1, 3 to 18 in-do-)

(Respondents Nos. 4 to 20 are not necessary parties)

Counsel for the Petitioner :SRI ASHOK RAM V

Counsel for the Respondents :

Petition under Section 151 of 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 stay all further proceedings in O.S. No. 114 of 2006 on the file of the Court of the Junior Civil Judge, Kothavalasa, pursuant to the order dated 18.07.2025 passed in I.A. No. 258 of 2025, Pending disposal of CRP No. 2360 of 2025, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Heard.

Learned counsel for the petitioner contended that the respondent Nos.1 to 3 herein filed O.S.No.114 of 2006 on the file of Junior Civil Judge, Kothavalasa, for permanent injunction restraining the defendants therein/respondent Nos.4 to 20 & petitioner herein from interfering with the suit schedule property. The trial is completed and posted for arguments. While so, respondent Nos.1 to 3 herein filed I.A.No.258 of 2025 under Order XVIII Rule 17 read with Section 151 of CPC to recall the evidence. To the said application, petitioner along with other defendants filed counter raising objections contending that the plaintiffs, only to fill up lacunae of the case filed the application. The Trial Court, without considering the same, erroneously allowed the application vide orders dated 18.07.2025. It is well settled principle of law that the applications filed to fill up the lacunae should not be allowed. The petitioner is having a good case before this Court in the present revision petition. In the meantime, if the trial Court proceeds with the suit, the rights of the petitioner will be affected and the purpose of filing the revision would also be defeated, as such, prayed to stay further proceedings in suit, pending revision.

Perused the record and considered the submissions.

Prima facie, a point has been made out for consideration, as such, this Court is inclined to pass the following order:

There shall be stay of all further proceedings in O.S.No.114 of 2006 on the file of Junior Civil Judge, Kothavalasa, for a period of four (04) weeks.

//TRUE COPY//

For ,

Sd/- K.TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Junior Civil Judge, Kothavalasa, Vizianagaram District
2. Sarisa Jojibabu, S/o Rayappa, Converted Christian, Aged 62 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
3. Sarisa Kishore Kumar, S/o Jagibabu, Converted Christian, Aged 43 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
4. Sarisa Rajesh Kumar, S/o Jagibabu, Converted Christian, Aged 40 years. Residing at Mangalapalem, Kothavalasa Mandal, Vizianagaram District. **(Addressees 2 to 4 By RPAD)**
5. One CC to SRI. ASHOK RAM V Advocate [OPUC]
6. **One spare copy**

PSR

HIGH COURT

RC,J

DATED:18/09/2025

NOTE: POST ON 09.10.2025.

ORDER

**IA No. 1 OF 2025
IN
CRP NO: 2360 OF 2025**

INTERIM STAY

