

[3524]

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 RAVI NATH TILHARI

AND

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

IA No. 1 OF 2025

IN

AS NO: 603 OF 2024

Between:

Tirlaka Chenchu Babu, S/o Tirlaka Kotaiah, Aged 62 years, Occ Business, R/o 3RD lane. Ram Nagar, Ongole Town and Post, Prakasam District, Proprietor of Lakshmi Sewing Machines & Co., AND BTP 31-1/17, Opp to Bapuji Market Complex, Trunk Road, Ongole.

...Appellant

AND

Kurru Krishna Reddy, S/o Venkareddy, Aged 55 years, Occ Business, R/o. 1st lane, Mahendra Nagar, Ongole town and Post, Ongole, Prakasam District

...Respondents

Counsel for the Petitioner : SRI ANUP KOUSHIK KARAVADI

Counsel for the Respondent : SMT. MARELLA RADHA

Petition under Section 151 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 permit the respondent to withdraw the ¼ of the decretal amount including costs and with interest deposited by the appellant as per the order dated 3.12.2024 passed in AS.No.603 of 2024.

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). The Court made the following

ORDER

Sri Ch.S.S.R.Bharadwaj, learned counsel appearing on behalf of the appellant seeks adjournment for no justifiable reasons. The prayer for adjournment is refused.

2. The plaintiff/respondent has filed this application seeking withdrawal of ¼ of the decretal amount, including costs and interest, deposited in the appeal pursuant to the interim order passed in the appeal.

3. The plaintiff/respondent is a tenant. He filed a suit for recovery of the amount based on two unregistered rent agreements dated 29.05.2008 and 16.12.2011, under which the plaintiff claims to have paid a total sum of Rs.17 lakhs (Rs.12 lakhs + Rs.5 lakhs) to the defendant-landlords. The defendants, however, denied the money transaction and disputed the signatures appearing on the unregistered rent agreements

4. From the judgment of the learned Trial Court, it appears that the defendant did not file any application for comparison of the signatures on the rent agreements, which required verification. However, the learned Trial Court, on comparing the signatures on its own, found no dissimilarity in the pattern and characteristics of the defendant's signatures when compared with the admitted signatures on Ex.A14 and Ex.A15. Consequently, the evidence of the plaintiff was accepted, and based on the said rent agreements, the suit was decreed with costs for a

sum of Rs.22,42,048/- with future interest @ 12% per annum from the date of the suit till the date of the decree, and thereafter @ 6% per annum from the date of decree till realization on the principal amount of Rs.14,64,000/-.

5. Challenging the said decree, the present appeal has been filed by the defendant.

6. A counter to the said application has been filed, submitting interalia that the $\frac{1}{4}$ of the decretal amount has already been deposited in Court pursuant to the interim order, and that the appeal raises serious questions of law, including the validity and enforceability of the alleged agreements. It is further contended that the objections supported by documentary evidence relating to several claims, were not considered by the Trial Court, and therefore the appellant has strong grounds for success in the appeal.

7. From the judgment and the appendix of evidence, it appears prima facie that the judgment of the Trial Court does not disclose the mode of payment.

8. On specific query made to learned counsel for the respondent, she submits that she needs to obtain instructions.

9. Ex.A2, a copy of unregistered Acceptance of Agreement has been filed along with the additional material papers, learned counsel for the respondent submits that although the advance amount of Rs.12 lakhs is mentioned therein, but the mode of payment does not appear to have been disclosed.

10. Considering the aforesaid submissions, this petition is allowed in part permitting the plaintiff/respondent to withdraw an amount of Rs.2,00,000/- and the full cost as awarded by the learned Trial Court, out

of the amount deposited by the appellant pursuant to the interim order, subject to the further orders in this appeal.

Sd/-K.SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The I Additional District Judge, Prakasam District, at Ongole.
2. One CC to SRI. ANUP KOUSHIK KARAVADI Advocate [OPUC]
3. One CC to SRI. MARELLA RADHA Advocate [OPUC]
4. **Two spare copies.**

ksr

HIGH COURT

RNT, J

&

MRK, J

DATED:08/12/2025

ORDER

List the matter after two (2) weeks.

IA NO.1 OF 2025

IN

AS.No.603 of 2024

DIRECTION

