

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE ELEVENTH DAY OF OCTOBER,
TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

IA No. 1 & 2 OF 2022
IN
SA NO: 431 OF 2022



Between:

1. Teegala Krishna Rao, S/o. late Venkata Ramana, aged about 59 years, Occ. Business, R/o. Thana Street, Gajapathinagaram Mandal, Vizianagaram District.
2. Teegala Veera Venkata Satyanarayana @ Swamy,, S/o Krishna Rao, Aged about 29 years', R/o. Thana Street, Gajapathinagaram Mandal, Vizianagaram District.

...Petitioners

AND

1. Teegala Rangarao, (died)
2. Teegala Appalaraju @ Tataji, S/o Rangarao, Aged about 45 years, R/o. Thana Street, Gajapathinagaram Mandal, Vizianagaram District.

...Respondents

IA No. 1 OF 2022

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 suspend the judgment and decree of the Principal District Judge, Vizianagaram passed in A.S.No.41 of 2018 dated 30.06.2022, pending disposal of SA No.431 of 2022, on the file of the High Court.

IA No. 2 OF 2022

Petition under Order 39 Rule 1 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 grant injunction restraining the respondent, his successor in interest, their men, their agents, assignees and their subordinates from interfering with the petitioner's peaceful physical possession and enjoyment of the suit schedule property etc.,

Schedule of the property

All that the R.C.C Building situated (Cement Sheeted) at Gajapathinagaram, bearing Door No.(old) 5-39/New Door No. 4-153, Assessment No. 681 of Gajapathinagaram Village and Mandal, Vizianagaram District bounded by:

East: Presently R.C.C Slabbed House of Senapathi Akkamma (Previously as per document (old) Mud Terraced House.

South: Panchayat Road;
West: Karanam Rama Satyam and others RCC Building
North: Cement Road.

in OS.No.79 of 2012 on the file of the Junior Civil Judge, Gajapathinagaram, pending disposal of SA No.431 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Taddi Nageswara Rao, Advocate for the Appellant, the Court made the following;

ORDER:

"I.A.No.1 of 2022 is filed to suspend the judgment and decree, dated 30.06.2022 passed in A.S.No.41 of 2018 on the file of learned Principal district Judge, Vizianagaram, pending disposal of the second appeal.

I.A.No.2 of 2022 is filed under Order XXXIX Rules 1 and 2 of CPC for grant of injunction restraining the respondent/ plaintiff, his successor in interest, their men, their agents, assignees and their subordinates from interfering with the petitioners'/defendants' peaceful physical possession and enjoyment of the suit schedule property.

This Court ordered notice and notice was served on respondent. Proof of service is filed.

Heard.

Suit O.S.No.79 of 2012 against the petitioners/defendants for permanent injunction on the file of learned Junior Civil Judge, Gajapathinagaram and the same was dismissed. Against the said judgment and decree of the lower Court, respondent/ plaintiff preferred A.S.No.41 of 2018. Lower appellate Court allowed the appeal and decreed the suit and granted permanent injunction restraining the petitioners/defendants, their men, servants and agents from ever interfering with the peaceful possession and enjoyment of the respondent/plaintiff over the suit schedule property.

It was averred in the affidavit that taking advantage of the decree, allowing of appeal and decreeing the suit and granting injunction by the lower appellate court, respondent/plaintiff is interfering with the possession of the petitioners/defendants in respect of RCC building (cement sheeted) situated at Gajapathinagaram bearing door No.4-153, Assessment No.681 of Gajapathinagaram village and Mandal Vizianagaram District within the boundaries mentioned in the suit schedule. Unless, injunction is suspended the appellant will be put the serious and irreparable loss and injury. Further prayed to grant injunction restraining the respondent from interfering with the possession of the appellant.

In view of the averments made in the affidavit, considering the facts and circumstances of the case, the injunction granted in suit O.S.No.79 of 2012 on

the file of learned Junior Civil Judge, Gajapathinagaram as per the judgment and decree, dated 30.06.2022 in A.S.No.41 of 2018 is hereby suspended.

There shall be ad-interim injunction restraining the respondent/plaintiff from interfering with the possession of the petitioners/defendants over the schedule property i.e R.C.C. building bearing D.No. 4- 153 (old 5-39), assessment No. 681, Gajapathinagaram village and Mandal, Vizianagaram District, pending the second appeal.

These petitions are ordered accordingly."

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For A.C.C.

To,

1. The District Judge, Vizianagaram District, Vizianagaram (In Duplicate with a copy of injunction to be served on the respondents and return the same)
2. The Principal District Judge, Vizianagaram.
3. The Junior Civil Judge, Gajapathinagaram
4. Teegala Appalaraju @ Tataji, S/o Rangarao, R/o: Thana Street, Gajapathinagaram Mandal, Vizianagaram District. (By RPAD)
5. One CC to Sri. Taddi Nageswara Rao, Advocate [OPUC]
6. One spare copy

MM

HIGH COURT

SRSJ

DATED:11/10/2022

ORDER

**IA No. 1 & 2 OF 2022
IN
SA NO: 431 OF 2022**

**INTERIM SUSPENSION
&
INJUNCTION**

20 OCT 2022