

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: A.S.No.694 of 2025

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
03.	24.06.2026	<u>DR, J & BM, J</u> This appeal is filed against the order dated 17.06.2025 passed in E.A.No.470 of 2024 in E.P.No.1 of 2013 in O.S.No.63 of 2008 on the file of the Court of the III Additional District Judge, East Godavari at Kakinada. The contentions of the appellants are that initially the suit has been decreed <i>ex parte</i> and as against the same, they have filed E.P.No.1 of 2013 in O.S.No.63 of 2008 and the E.P. was executed and delivery was effected. Subsequently, after delivery, the respondents/defendants filed a petition for restitution of the schedule property and the same was allowed. Thereafter, the suit has been dismissed on merits. Aggrieved by the said orders, the appellants have preferred a separate appeal which was numbered as A.S.No.572 of 2024. In the said appeal, interim directions were granted not to create any third party rights. While pending the said appeal, the respondents have filed the present E.A.No.470 of 2024 in E.P.No.1 of 2013 in O.S.No.63 of 2008 under Section 144 of C.P.C. read with Order XXI Rule 35 of C.P.C. seeking restitution of the petition schedule property. Without considering the pendency of the	(contd..)

	said appeal, the respondents have permitted for restitution vide order dated 17.06.2025. Hence, the present appeal. The fact remains that the appellants are in possession of the property. Reply to the said contentions, learned counsel appearing on behalf of the respondents submitted that in fact after restitution of the suit, the suit has been decided and dismissed on merits. Hence, they are entitled for restitution of possession of the property. Therefore, they have made an application under Section 144 of C.P.C. read with Order XXI Rule 35 of C.P.C. The possession has been redelivered to the respondents/defendants. But, learned counsel for the appellants has denied the delivery of the possession. He submitted that in view of the interim orders granted in A.S.No.572 of 2024, the appellants are still continuing in possession of the property. Considering the rival submissions, list the matter along with A.S.No.572 of 2024. Meanwhile, both the parties are directed to maintain <i>status quo</i> obtaining as on today. DR, J BM, J Ivd	
--	--	--