

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**WEDNESDAY, THE TWENTY FOURTH DAY OF JUNE,
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH

AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

AS NO: 694 OF 2025



Between:

1. Tummala Rama Swamy, (Died)
2. Tummala Bulliyya, S/o Late Rama Swamy, R/o. D.No, 3-142, Pulimeru, Pedapuram Mandal, East Godavari District.
3. Pinnam Venkata Subbarao, S/o Brahmam, R/o D.No. 1-69, Marlava, Pedapuram Mandal, East Godavari District.
4. Pinnam Padmavathi, W/o Venkata Subbarao R/o D.No. 1-69, Marlava, Pedapuram Mandal East Godavari District

...Appellants/Respondents/J.Drs

AND

1. Cherukuri Kamakshi, W/o late Vinayakarao, R/o. Near Vinayaka Temple, Godavari Bridge Down Saripaka, Bhadrachalam, Khammam District.
2. Cherukuri Krishna Chaitanya, S/o late Vinayakarao, R/o. Near Vinayaka Temple, Godavari Bridge down, Saripaka, Bhadrachalam, Khammam District.
3. Cherukuri Sivadevi, D/o late Vinayakarao, R/o. Near Vinayaka Temple, Godavari Bridge down, Saripaka, Bhadrachalam, Khammam District.
4. Cherukuri Baby Rani, D/o Sathiraju R/o. Near Vinayaka Temple Godavari Bridge down Saripaka, Bhadrachalam, Khammam District.

...Respondents

Petitioners/D.Hrs./D1 to D4

Appeal Under Section 96 of CPC, against aggrieved by the orders 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 III Additional District Judge at Kakinada, East Godavari;

IA NO: 3 OF 2025:

Petition under order Xli rule 5 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 stay all further proceedings in E.A.No.470 of 2024 on the file of on the file of III Additional District Judge at Kakinada, East Godavari, pending disposal of AS.No.694 of 2025, 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 V.V.Satish, Advocate for the Petitioners and Sri Manoj Kumar Bethapudi, Advocate for the Respondent Nos.1 to 4, the Court made the following;

ORDER:

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 ex parte 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 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 status quo obtaining as on today.

Sd/- Y.Srinivasu

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional District Judge at Kakinada, East Godavari District.
2. Cherukuri Kamakshi, W/o late Vinayakarao, R/o. Near Vinayaka Temple, Godavari Bridge Down Saripaka, Bhadrachalam, Khammam District.
3. Cherukuri Krishna Chaitanya, S/o late Vinayakarao, R/o. Near Vinayaka Temple, Godavari Bridge down, Saripaka, Bhadrachalam, Khammam District.
4. Cherukuri Sivadevi, D/o late Vinayakarao, R/o. Near Vinayaka Temple, Godavari Bridge down, Saripaka, Bhadrachalam, Khammam District.

5. Cherukuri Baby Rani, D/o Sathiraju R/o. Near Vinayaka Temple
Godavari Bridge down Saripaka, Bhadrachalam, Khammam District.
(Addressee Nos.2 to 5 by **RPAD**)
6. One CC to Sri. V.V.Satish, Advocate [OPUC]
7. One CC to Sri. Manoj Kumar Bethapudi, Advocate [OPUC]
8. Two spare copies ✓

HIGH COURT

DR,J

&

BM,J

DATED:24/06/2026

LIST THE MATTER ALONG WITH AS.No.572 OF 2024

ORDER

AS.No.694 of 2025

STATUS QUO

