

[3368]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI
IA No. 2 OF 2025
IN
AS NO: 70 OF 2025



Between:

Chinthalapati Srinivasa Raju, S/o Krishna Murthy, aged 58 years, Prince
Daba, P.M. Palem, Visakhapatnam District

...Petitioner(s)

(Petitioner in AS 70 OF 2025

on the file of High Court)

AND

Kovvuri Lalitha Kumari, W/o. Gangi Reddy, Aged 42 yrs, R/o.D.No.38-40-42,
Marripalem, Visakhapatnam

...Respondent(s)

(Respondents in-do-)

Counsel for the Petitioner : Sri A S C BOSE

Counsel for the Respondent : Sri CKR ASSOCIATES

Petition under Order 41 Rule 5 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass order or orders granting stay of all further proceedings pursuant to the Decree and Judgment in O.S. No. 57 of 2022 on the file of the Principal District Judge at Visakhapatnam dated 10.07.2024 Pending disposal of AS No. 70 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 Sri A.S.C.Bose, learned counsel for the Petitioner/Appellant/Defendant. Learned counsel for the petitioner would submit that the respondent/plaintiff filed the suit for eviction and recovery of arrears of rent contending that the appellant/defendant is a tenant of the suit premises, and that the tenancy was determined. Whereas, the contention of the appellant/defendant is that he is not a tenant of the plaintiff, and that he occupied the suit property long ago and perfected his title by adverse possession. But, the learned trial Court mis-read the evidence relating to the plea of the adverse possession of the defendant and decreed the suit. Hence, the appellant/defendant filed the appeal challenging the judgment and decree of the learned trial Court.

The present application is filed to order stay of proceedings under the decree, pending appeal. He would further submit that the respondent/plaintiff has already been filed Execution Petition for delivery of the property, and the same is listed before the Execution Court today for hearing. Therefore, if the learned Execution Court orders delivery, the very purpose of the appeal would be defeated. ✓

The learned counsel representing for respondent/plaintiff opposed the application and would submit that the counter affidavit filed today vide U.S.R.No.22089/2025. ✓

Upon hearing both sides and considering the above facts and circumstances, this Court is of the considered opinion that it is a fit case to order stay of execution of decree under appeal in the light of circumstances mentioned above, until further orders, subject to deposit a sum of Rs.7,20,000/- (Rupees Seven Lakhs and Twenty Thousand only) by the petitioner/appellant/defendant before the learned trial Court within a period of eight (08) weeks from the date of this order, and further, on condition of depositing a sum of Rs.20,000/- (Rupees Twenty Thousand

only) per month, on or before 10th day of every month, before the learned trial Court until further orders.

If the petitioner/appellant/defendant commits default any of the above conditions, the stay order automatically stands vacated, without recourse to the Court.

List the application after four (04) weeks.”

//TRUE COPY//

Fo

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal District Judge at Visakhapatnam.
2. Kovvuri Lalitha Kumari, W/o.Gangi Reddy, Aged 42 yrs, R/o.D.No.38-40-42, Marripalem, Visakhapatnam(By RPAD)
3. One CC to SRI. A S C BOSE Advocate [OPUC]
4. One CC to SRI. CKR ASSOCIATES Advocate [OPUC]
5. One spare copy

HIGH COURT

BVLNC,J

DATED:28/03/2025

POST AFTER FOUR WEEKS

ORDER

**IA No. 2 OF 2025
IN
AS.No.70 of 2025**

INTERIM STAY

