

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

TUESDAY, THE NINETEENTH DAY OF JUNE,
TWO THOUSAND AND EIGHTEEN
PRESENT

THE HON'BLE SRI JUSTICE **D.V.S.S. SOMAYAJULU**

I.A. No.1 of 2017
IN
ASMP.No. 2730 of 2014
IN
AS.No. 744 of 2014

ASMP.No.2730/2014

Between:

1. Indreddy Srinivas s/o Linga Reddy
2. Eligeti Prasad S/o Anjaiah

Petitioners
(Appellants in AS. No. 744 of 2014
on the file of High Court)

AND

Gaddam Raji Reddy S/o Venkat Reddy, Occ: Agriculture and Business, R/o H. No. 1-5-197/13, Ravindranath Tagorenagar, Opp: APSRTC Bus Depot, Jagtial Proper Village and Mandal, Karimnagar District.

Respondent
(Respondent in-do-)

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to suspend the operation of the judgment and decree passed in O.S. No. 19 of 2011, dated 16-10-2014 on the file of the Court of II Additional District Judge, Karimnagar at Jagtial, pending disposal of A.S. No. 744 of 2014 on the file of the High Court.

I.A. No.1 of 2017

Between:

Gaddam Raji Reddy S/o Venkat Reddy

Petitioner
(Respondent in AS. No. 744 of 2014
on the file of High Court)

AND

1. Indreddy Srinivas S/o Linga Reddy, R/o. Pudur Village of Kodimial Mandal, District Karimnagar at present R/o. H.No.10-3-505, Opp: APSRTC Regional Workshop Hospital, Jagtial Road, Karimnagar proper Village and Mandal, Karimnagar District.
2. Eligeti Prasad S/o Anjaiah, R/o. 1-414 and 1-415, Choppadandi Village and Mandal, Karimnagar District.

Respondents
(Petitioners/Appellants in-do-)

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the counter affidavit filed herein, the High Court may be pleased to vacate the order dated 29-01-2015 in ASMP.No.2730 of 2014 in ASNO.No.744 of 2014.

The petition coming on for hearing, upon perusing the affidavit filed in ASMP.No.2730 of 2014 and the counter affidavit filed in IA.No.1 of 2017, order of the High Court dated 29-1-2015 made in ASMP.No.2730 of 2014, and upon hearing the arguments of Sri A. Gangadhar Advocate for the Petitioners in ASMP.No. 2730 of 2014 and Respondents in IA.No.1 of 2017 and Sri. P. Raja Sripathi Rao, Advocate for the Respondent in ASMP.No.2730 of 2014 and petitioner in IA.No.1 of 2017, the Court made the following

ORDER:

This is an application filed to vacate the order dated 29-01-2015 passed in ASMP No.2730 of 2014. Learned counsel for the vacate petitioner states that he has already deposited the entire sale consideration of Rs.14,85,000/- on 04-12-2014 and that despite the deposit of the above said amount, the appeal is not being heard and he is not able to get any relief. In view of the heavy backlog of the cases, this court is not in a position to take up the hearing of the appeal at this stage. In order to balance equities of both parties, the vacate stay petitioner is permitted to withdraw the amount deposited by him on 04-12-2014. However, it is made clear that by withdrawing the amount, the vacate stay petitioner is not giving up of his any rights and contentions. Deposit or redeposit of money will depend upon the final outcome of the result in this appeal. By this order, neither party is in any way giving up their rights or contentions. Further, it is made clear that both parties are at liberty to raise all the pleas and contentions and the same shall not be prejudice by this order.

List the Appeal for hearing in its usual course.

Sd/-K. PRABHAKAR
ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The II Additional District Judge, Karimnagar at Jagtial
2. One CC to Sri P. Raja Sripathi Rao, Advocate(OPUC)
3. One CC to Sri A. Gangadhar, Advocate(OPUC)
4. One spare copy.

KK

HIGH COURT

DVSSJ

DT. 19-6-2018

NOTE: LIST THE APPEAL FOR HEARING IN ITS USUAL COURSE

ORDER

I.A. NO.1 OF 2017

IN

ASMP.NO. 2730 OF 2014

IN

AS.NO. 744 OF 2014

DIRECTION

