

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTIETH DAY OF JUNE

TWO THOUSAND AND TWENTY FOUR

:PRESENT:**THE HONOURABLE DR. JUSTICE G.RADHA RANI****IA No. 1 OF 2024****IN****AS NO: 316 OF 2024****Between:**

Polishetty Lingamurthy S/o. Somanarsaiah

...Petitioner

(Appellant in AS 316 OF 2024

on the file of High Court)

ANDVaddanam Ravindar, S/o. Vishwanadhami, Occ- Business, R/o.Maddirala
Village and Mandal, Suryapet District.

...Respondent

(Respondent in-do-)

Counsel for the Petitioner : SRI SETTY RAVI TEJA**Counsel for the Respondent : ---**

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Judgment and Decree in O.S. No. 25 of 2018 dated 27th day of March, 2024 on the file of the Principal District Judge at Suryapet, pending disposal of AS No.316 of 2024, 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

This application is filed by the petitioner-appellant-defendant to suspend the operation of the judgment and decree dated 27.03.2024 passed in O.S. No.25 of 2018 by the learned Principal District Judge at Suryapet, pending disposal of the above appeal.

Heard the learned counsel for the petitioner-appellant.

Learned counsel for the petitioner submitted that the petitioner was the appellant herein and defendant in the suit. The suit was filed by the respondent-plaintiff for recovery of an amount of Rs.17,85,500/- basing on mortgage deed and two promissory notes. The said suit was preliminarily decreed for a sum of Rs.8,55,000/- with costs granting two months' time for redemption of mortgage from the date of the judgment and further granted the relief that the plaintiff was also entitled for a personal decree against the defendant for an amount of Rs.9,30,500/- for the amounts covered under the two promissory notes with interest at 6% per annum from the date of suit till realization on the principal amount. The trial court failed to see that the petitioner-appellant had cleared the liability and failed to examine the oral and documentary evidence objectively. He further contended that there were fair chances of success for the petitioner to succeed in the appeal and prayed to suspend the operation of the judgment and decree dated 27.03.2024 passed in O.S. No.25 of 2018.

Considering the submissions of the learned counsel for the petitioner, there shall be interim suspension of the operation of judgment and decree dated 27.03.2024 passed in O.S. No.25 of 2018 by the learned Principal District Judge at Suryapet, subject to the petitioner depositing 50% of the decretal amount together with interest and costs within a period of four weeks from the date of receipt of a copy of this order.

Issue notice to the respondent.

Learned counsel for the petitioner is permitted to take out personal notice on the respondent by RPAD and file proof of service of notice.

Post the matter on 15.07.2024.

//TRUE COPY//

SD/- V.HARI PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal District Judge at Suryapet
2. Vaddanam Ravindar, S/o. Vishwanadhami, Occ- Business, R/o.Maddirala Village and Mandal, Suryapet District.(By RPAD)
3. One CC to SRI SETTY RAVI TEJA Advocate [OPUC]
- 4.** One spare copy

HIGH COURT

DR.GRR,J

DATED:20/06/2024

Post on 15.07.2024

ORDER

AS.No.316 of 2024



INTERIM SUSPENSION