

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No: **A.S.No. 225 of 2023**

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	01.05.2023	<u>AVRB,J</u> <u>I.A.No.1 of 2023</u> Heard learned counsel for the petitioners. This petition is filed to stay all further proceedings pursuant to the decree and judgment dated 04.04.2023 in O.S.No.53 of 2015 on the file of VI Additional District and Sessions Judge, Nellore. As evident from the arguments of learned counsel for the petitioner, appellants/ defendants received notices from the plaintiffs with regard to survey etc., A perusal of the Judgment of the court below shows that the defendants have to fix a date for measurement of the land, communicate the land to the plaintiff, within one month and thereupon plaintiff has to deposit the balance of sale consideration ascertained on the actual extent arrived at in course of the survey within one month from the date of survey and thereafter the defendants have to register the plaint schedule property, within one month from such deposit and in case of default by the	

		defendants to get the survey conducted, plaintiff can get it done through qualified surveyor. So what all learned counsel for the petitioner submitted regarding the things to be complied before filing execution petition. Absolutely there is no impending the execution petition before the court below, so as to stay execution of the decree. Under the guise of stay of execution of the decree, operative portion of the Judgment and decree cannot be neutralized. Under the circumstances issue notice to the respondents. It is open to the petitioners/ appellants to stay before this court about the execution petition, in the event of its filing by the respondent/ plaintiff. AVRB,J <u>A.S.No. 225 of 2023</u> Issue notice to the respondents. List it on eight (08) weeks. AVRB,J KK/KNN	
--	--	--	--

--	--	--	--