

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE DR JUSTICE K MANMADHA RAO
CIVIL MISCELLANEOUS APPEAL NO: 301 OF 2023



Between:

1. Gogulamudi Indiramma, W/o.Goguland Murali Krishna, Aged- 55 years R/o. Labour Colony, Vidyadharapuram. Vijayawada.
2. Kurra Murali Krishna Yadav, S/o Kura Samba Rao, 44 years, D. No 2-8-34 Labour Colony. Vidyadharapuram. Vijayawada
3. Rachagunta Venkata Lakshmi, W/o. Rachagunta Subba Rao, Aged- 37 years, Urmila Subbarao Nagar, Vidyadharapuram. Vijayawada
4. Badveli Venkata Ramanaiah, S/o Malakondaiah, Aged- 30 years R/o. 76-9-22/3, 2nd Floor, Akula Rajeswara Rao Mill Road, Government School Street, Swathi Theatre Backside Bhavanipuram. Vijayawada.
5. Kolli Jalandhara Rao, S/o.Narayana Murthy, Aged- 60 years. Bhushanagulla Village- 621263, Pedaparupudi Mandal, Krishna District.
6. Donkada Nagaraju, S/o.Prasada Rao, Aged- 32 years, R/o. 75-11-233. Rajendran Road Kamakoti Nagar, Bhavanipuram. Vijayawada.
7. Potti Naga Venkata Durga Vinod Kumar, S/o Potti Ellayya, Aged- 29 years, R/o. 11-8-34, Mudili Jagannadham Street, Kothapet, Vijayawada.
8. Chunduru Venkata Sivanarayana, S/o. Chunduru Durgaiah, Aged- 49 years, R/o. 11-3-210, Near Rama Talkies, Mancherla, Guntur District.
9. Chapparapu Varalakshmi., W/o Chapparapu Yalamanda Reddy, Aged- 32 years, 6-1-40, Yenugulavari Street, Prizerpet, Chittinagar. Vijayawada.
10. Godavari Ganga, W/o.Godavari Babu, Aged- 33 years, R/o. 5-7/8-9D1, Near Karnati Siva Sankar (Advocate), 3 Right Side Lane, Sowmya Theatre Backside, Rajiv Sarma Nagar, Vijayawada
11. Chakka Purnachandra Rao, S/o Chakka Channa Satyanarayana, Aged- 44 years, R/o. 1-4-208/2A, Shanmukha Sai Nilayam, Yanamandravari Street, Opposite to RTC Work Shop, Bhavanipuram, Vijayawada
12. Chakka Vijayalakshmi, W/o Chakka Purnachandra Rao, Aged- 34 years, R/o. 1-4 208/2A, Shanmukha Sai Nilayam, Yanamandravari Street, Opposite to RTC Work Shop, Bhavantpuram. Vijayawada.
13. Rohit Jakotiya, S/o.Rajendra Jakotiya, Aged. 26 years, R/o. 11-63-9/1, Brahmin Street, Vijayawada.
14. Badveli Venkata Ramanaiah., S/o.Malakondaiah, Aged.36 years, R/o. 76-9-22/3, 2nd floor, Akula Rajeswara Rao Mill Road, Government School Street, Swathi Theatre Backside. Bhavanipuram, Vijayawada.
15. Tanneru Siva Prasada Rao, S./o.Chenchaiah, Aged. 56 years, R/o. Flat No. GF-A, Sri Sairatna Enclave, Gollapudi, Vijayawada Rural Mandal. Krishna District
16. Bollu Yellarao, son of Suri, Hindu, aged about 32 years, R/o.76-16-27/5, Bhavanipuram, Vijayawada

...Appellants

AND

1. Sri Lakshmi Rama Cooperative Building Society Limited, No G 2708 D.No. 76-13- 9/11E. New Joji Nagar, Vidyadharapuram, Vijayawada- 12 Represented by its President. Surakasi Verkata Srinivasa Rao, S/o. Chinna Rao, Hindu. 55 years, Ro Kothapeta, Vijayawada.
2. Abdul Majeed, son of Shaik Ismail, Muslim aged about 64 years R/o Vidyadharapuram, Vijayawada
3. Shaik Ismail (died), 1st J.Dr is the son of 2nd J.Dr who died (J.Dr.No.2)
4. Jiddu Basaveswara Rao, S/o Jiddu Koteswara Rao Aged.68 years. Bhimanavari Street. Kothapet, Vijayawada.
5. Yalamchili Suri Babu, S/o. Yalamanchili Narayana, Aged. 71 years. Dondapadu Village-521323, Gudivada Mandal, Krishna District.
6. Bavirisety Naga Venkata Ramalingaiah, S/o. Radha Krishna Murthy, aged. 40 years, R/o. 17-294, Near Brahman Gari Temple. Urmila Subbarao Nagar Bhavanipuram, Vijayawada.
7. Desu Deepthi, W/o.. Kothagundla Sridhar Srinivas Kumar, Aged. 29 years, R/o. 1-4-229/1, RTC Workshop Road, Bhavanipuram Vijayawada.
8. Veeramachaneni Vijayasri, W/o. Veeramachaneni Srinivas, Aged. 36 years, R/o. 56-3-19, Ramineni Nagar, Patamata, Vijayawada.
9. Koneru Vijayasri, W/o Veeramachaneni Srinivas, Aged.36 years, R/o. 56-3-19, Ramineni Nagar, Patamata, Vijayawada.
10. Sri Saiharshitha Builders, Represented by its Managing Partner Jayanthi Venkatasubrahmanyam S/o. Bhavannarayana Murthy. R/o.D.No.29-28-30, Flat No.204. Jayanthi Meduri Mansion. Dasarivari Street, Suryaraopeta, Vijayawada.

(Respondent 2 to 8 are not necessary parties)

...Respondents

Petition under Section 43 rule 1 CPC, aggrieved by the order of the II Addl. Senior Civil Judge, Vijayawada passed in EP.No.77/2013 in OS.No.132/1984 dated 11.05.2023, the petitioners beg to prefer the above petition.

IA NO: 1 OF 2023

Petition under Section 151 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 including execution of the decree pursuant to order of the II Addl. Senior Civil Judge, Vijayawada passed in EP.No.77/2013 in OS.No.132/1984 dated 11.05.2023, pending disposal of CMA.No.301 of 2023, 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 the earlier Order of the High Court dated. 17.08.2023 , 14.09.2023 , 12.10.2023 & 02.11.2023 and upon hearing the arguments of M/s O.M.R.Law Firm for the Petitioners and Sri T.V.P.Sai Vihari Advocate for respondent no.1, the Court made the following

ORDER:

“Sri T.V.P.Sai Vihari, learned counsel appeared virtually and submitted that they have filed counters.

Sri K.Narsi Reddy, learned counsel representing learned counsel for the appellants submitted that yesterday only they have received instructions from the appellants and if it is required, they will file counters and seeks time.

Post the matter on 14.12.2023.

Interim Order granted earlier is extended till next date of hearing."

//TRUE COPY//

SD/-K.SRINIVASA RAJU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The II Addl. Senior Civil Judge, Vijayawada.
2. One CC to M/s O.M.R.Law Firm [OPUC]
3. One CC to Sri T.V.P.Sai Vihari, Advocate [OPUC]
4. One CC to Sri K.Narsi Reddy, Advocate [OPUC]
5. One spare copy

HIGH COURT

DR.KMR,J

DATED:30/11/2023

POST THE MATTER ON 14.12.2023

ORDER

CMA.No.301 of 2023

INTERIM ORDER EXTENDED

