

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
THURSDAY, THE TWENTY FIRST DAY OF DECEMBER  
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. Chundururu Venkata Sivanarayana, S/o. Chundururu 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.Chenchaiiah, 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), 1<sup>st</sup> J.Dr is the son of 2<sup>nd</sup> 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 , 30.11.2023 & 14.12.2023 made herein and upon hearing the arguments of Mrs.Sodum Anvesha Advocate for the Petitioners and Sri T.V.P.Sai Vihari Advocate for respondent no.1, the Court made the following

**ORDER:**

**“Both the learned counsels are present.**

Mr.Ch.Bhargav, learned counsel, representing Ms.Sodum Anvesha, learned counsel for the appellants submits that in this appeal, the respondent Nos.2 to 8 are shown as not necessary parties to the proceedings but it is required for the appellants to show respondent Nos.2 to 8 as necessary party to the proceedings. In view of the same, learned counsel for the appellants requests time for filing another C.M.A.

Post the matter on 28.12.2023.

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

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Sd/- M. SRINIVAS  
A 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

ksr

HIGH COURT

DR.KMR,J

DATED:21.12.2023

Post the matter on 28.12.2023.

ORDER

CMA.No.301 of 2023

INTERIM ORDER EXTENDED

