

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
MONDAY, THE THIRD DAY OF APRIL  
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE A V RAVINDRA BABU  
FIRST APPEAL NO: 141 OF 2023



**Between:**

P Mohan Prasad, S/o PNR Prasad, Proprietor, M/s Cell Point, Hindu, aged about 51 years, residing at D.No.44-22-59/1, Ramalayam Street, Raliway New Colony, Visakahapatnam-16

**Appellant/defendant**

**AND**

G V S Rama Murthy, S/o. Grandhi Nagaraju, Hindu, aged about 55 years, residing at 19-4-24/6, Lakkapandiriveedhi, Vizianagaranam

**Respondent**

Appeal Under Section 96 of CPC against First Appeal is being filed questioning the Decree and Judgment in O.S.NO.559/2018 on dt. 21.11.2022 passed by the Special Sessions Judge For Trial Of Cases Under SC and ST (POA) Act-Cum.XI Addl.District and sessions Judge, Visakhapatnam to the extent of upholding the sale

**IA NO: 1 OF 2023**

Petition under Section 151 CPC 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 in O.S.No.559/2018 on dt. 21.11.2022 on the file of the Spl Sessions Judge For Trial Of Cases Under SC and ST Cases (POA) Act-Cum- XI Addl. District and Sessions Judge, Visakhapatnam, Pending disposal of AS 141 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 upon hearing the arguments of Sri N VIJAY Advocate for the Petitioner and of Sri SRINIVASA RAO BODDULURI Advocate for the Respondent, the Court made the following.

**ORDER**

**"Heard both sides.**

**Learned counsel for the appellant represented that the court below apart from ordering delivery of vacant possession of the schedule property to the plaintiff also directed the defendant to pay the arrears of rents of Rs. 1,39,500/- with subsequent interest at 12% p.a from 10.06.2013 till realization and for part of payment of damages of Rs. 32,500/- from December-2012 to April-2013 at**

Rs. 6,500 per month and that plaintiff is entitled to file a separate petition for determination of future damages.

He further submits that the respondents filed a Memo figuring out an amount of Rs. 7,67,000/- payable on or before March-2023, which is inclusive of claim made by the respondent for the damages amount from May-2013 till March-2023 at the rate of Rs. 6,500/- per month. However, the appellant will have no objection to deposit the said amount.

Learned counsel for the respondent submitted that he figured out an amount of Rs. 6,500/- which is very less in nature, subject to the right of the respondents to claim future damages by filing appropriate application before the court below and that the stay may be granted subject to deposit an amount of Rs. 7,67,000/- as claimed by the respondent.

It is brought to the notice of this Court that the respondents filed Execution Petition before the court below seeking delivery of possession of the schedule property.

Having regard to overall facts and circumstances of the case, an interim stay is granted by staying all further proceedings by way of E.P from this day pursuant to the decree dated 21.11.2022 in O.S.No.559 of 2018 on the file of the Special Sessions Judge for Trial of Cases under SC and ST Cases (POA) Act-cum-XI Additional District and Sessions Judge, Visakhapatnam (O.S.No.1252 of 2013 on the file of the court of the VI Additional Senior Civil Judge, Visakhapatnam) subject to deposit an amount of Rs. 7,67,000/- by the appellant before the court below within two (02) weeks from today. If the appellant failed to pay the said deposited amount within two (02) weeks from today, the interim order shall stands vacated.

List the matter after eight (08) weeks.”

Sd/- U. SRI DEVI  
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of Cases under SC and ST Cases (POA) Act-cum-XI Additional District and Sessions Judge, Visakhapatnam.
2. The VI Additional Senior Civil Judge, Visakhapatnam.
3. G V S Rama Murthy, S/o. Grandhi Nagaraju, Hindu, aged about 55 years, residing at 19-4-24/6, Lakkapandiriveedhi, Vizianagaranam (by RPAD)

4. One CC to SRI. N VIJAY Advocate [OPUC]
5. One CC to SRI. SRINIVASA RAO BODDULURI Advocate [OPUC]
6. One spare copy.

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**HIGH COURT**

**AVRBJ**

**DATED:03/04/2023**

**LIST AFTER EIGHT WEEKS**

**ORDER**

**AS.No.141 of 2023**

**INTERIM STAY**

