APHC010080792026

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3330]**
**(Special Original Jurisdiction)**

WEDNESDAY, THE 16th DAY OF SEPTEMBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

**SECOND APPEAL NO: 702/2026**

**Between:**

1. PALLEMSETTY VENKATA SUBBAIAH, S/O. LATE PEDDAIAH, AGED ABOUT 68 YEARS, R/O. OLD POST OFFICE STREET, BADVEL TOWN AND MUNICIPALITY, YSR (KADAPA) DISTRICT

**...APPELLANT**

**AND**

1. GOSULA LAKSHMI NARAYANAMMA, W/O. SUBBA RAO, AGED ABOUT 56 YEARS, R/O. SEETHARAMPURAM VILLAGE, POST AND MANDAL, NELLORE DISTRICT
2. ADAPALA SARASWATHI, W/O. SREENATH, AGED ABOUT 42 YEARS, R/O.SARMA VEEDHI, GIDDALUR TOWN, PRAKASAM DISTRICT
3. PASALA VENKATA SUBBAMMA, W/O. NADIPI VEERAIAH, AGED ABOUT 71 YEARS, R/O. KESILINGAYYA VILLAGE, MYDUKUR MANDAL, YSR (KADAPA) DISTRICT
4. YENUGULA VENKATA LAKSHMI, W/O. SANKARIAH, AGED ABOUT 64 YEARS, R/O. NEW APARTMENTS, 5TH FLOOR, OPPOSITE TO POLICE GUEST HOUSE, CO-OPRATIVE COLONY, KADAPA CITY, YSR (KADAPA) DISTRICT
5. YAGATEELA THULASI, W/O. LATE PANDU (R.T.C), AGED ABOUT 61 YEARS, OPPOSITE TO RAVINDRA BHARATHI SCHOOL, JAYANAGAR COLONY, KADAPA CITY, YSR(KADAPA) DISTRICT

**...RESPONDENT(S):**

Appeal under section _____ against ordersAggrieved by the Judgment dated 30.03.20 15 in O.S. No.138 of 2011 on the file of Junior Civil Judge - Cum - Camp Court at Badvel, the plaintiffs filed Appeal Suit vide A.S. No.13 of 2015 on the file of Additional Senior Civil Judge (Fast Track court), Rajampet at Badvel.

**IA NO: 1 OF 2026**

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 suspend the operation of the Judgment dated 16.12.2025 passed in A.S. No. 13 of 2015 on the file of Additional Senior Civil Judge ( Fast Track Court), Rajampet at Badvel, pending disposal of the main second appeal

**Counsel for the Appellant:**

1. SHAIK MOHAMMED ISMAIL

**Counsel for the Respondent(S):**

1.

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

**SECOND APPEAL NO: 702/2026**

**ORDER:**

The respondent herein, who is the plaintiff, filed a suit in O.S.No.138 of 2011 on the file of the learned Junior Civil-cum-Camp Court at Badvel, for partition. The suit was dismissed on the ground of non-joinder of necessary parties, vide judgment and decree dated 30.08.2015.

2. Aggrieved by the same, the plaintiff filed an appeal under Section 96 of the C.P.C., read with Order 41 Rule 1 of the C.P.C. The learned lower appellate Court, vide judgment and decree dated 16.12.2025, allowed the appeal and remanded the suit to the trial Court. Challenging the said order of remand, the present Second Appeal has been filed. During the course of hearing, the learned counsel for the appellant sought permission to withdraw the Second Appeal, with liberty to file a Civil Miscellaneous Appeal under Order 43 of the C.P.C.

3. Considering the request, the Second Appeal is dismissed as withdrawn, and the appellant is permitted to file a Civil Miscellaneous Appeal under Order 43 of the C.P.C.

4. Accordingly, the present Second Appeal is dismissed as withdrawn. There shall be no order as to costs.

Registry is directed to return the original documents to the appellant.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

**JUSTICE TARLADA RAJASEKHAR RAO**

Note: Issue C.C.TOMORROW

B/o.

*Date: 16.09.2026*

*RMD*

## THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

## SECOND APPEAL NO: 702/2026

Note: Issue C.C.TOMORROW

B/o.

*Date: 16.09.2026*

*RMD*