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APHC010255511995

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3397]
(Special Original Jurisdiction)

MONDAY, THE 29th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

APPEAL SUIT NO: 1034/1995

Between:

1. THUMMALAPALLI VISWANADHAM,, S/O. VEERANNA. CULTIVATION. ACHAMPETA, SAMARLAKOTA, EAST GODAVARI.

...APPELLANT

AND

1. THUMMALAPALLI NAGESWARA RAO, S/O. VEERANNA. CULTIVATION. ACHAMPETA, SAMARLAKOTA MANDAL, KAKINADA,
2. THUMMALAPALLI UDAYA BHASKARA RAO, S/O. VEERANNA. CULTIVATION. ACHAMPETA, SAMARLAKOTA, KAKINADA,
3. THUMMALAPALLI RANGA RAO, S/O. VEERANNA. CULTIVATION. ACHAMPETA, SAMARLAKOTA, KAKINADA,
4. POSTAL COOP BUILDING SOCIETY, REP.SECRETARY. D.NO.64-16-43, PRATAPNAGAR, KAKINADA,
5. PASUPULETI MANIKYAM, W/O. KAMESWARA RAO. HOUSEWIFE. P.E.CHINNAYYAPALEM, TUNI TQ., EAST GODAVARI.
6. ATHILI RAMARATNAM DIED PER LRS RESPONDENT 7, W/O. SURYANARAYANAMURTHY. CULTIVATION. BEHIND PADMAPRIYA CINEMA HALL, PERRAJUPETA, KAKINADA,

7. ATHILI VEERA RAJA, S/O LATE SURYANARAYANA MURTHY, AGED 68 YEARS, D.NO. 2-4-22, PEERAJUPETA, KAKINADA. RESPONDENT NO.7 IS BROUGHT ON RECORD AS LRS OF DECEASED RESPONDENT AS LRS 6 VIDE COURT ORDER DATED 21.04.2025 IN I.A NO. 2/2025 IN AS NO. 1034/95

...RESPONDENT(S):

The Judgement and Decree dt.03-JUL-1995 made in O.S.No.308 of 1982 on the file of the Court of the Ist Additional Subordinate Judge, Kakinada.

IA NO: 1 OF 1995(CMP 12407 OF 1995

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 grant stay of all further proceedings in furtherance of the judgement and decree dt.03-07-195 in O.S.No.308 of 1982 on the file of the court of the 1st Additional Subordinate Judge, Kakinada pending disposal of the main appeal.

IA NO: 2 OF 1995(CMP 15723 OF 1995

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 vacate the interim stay granted in CMp.No.1240/1995 in AS No.1034/1995 dated 06-09-1995.

IA NO: 3 OF 1995(CMP 15724 OF 1995

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 appoint a Receiver to take possession of the suit schedule property and to auction the lease hold rights every year and to deposit the said amount into the trail court pending disposal of the appeal and the petitioner herein may be permitted to withdraw 1/5th sahre of the said deposited amount.

IA NO: 4 OF 1995(CMP 16746 OF 1995

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 vacate the interim order dated 06-09-1995 in CMP.No.12407 of 1995 in A.S.No.1034 of 1995.

IA NO: 5 OF 1995(CMP 16747 OF 1995

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 vacate the interim order, the petitioner prays that this Hon'ble Court may be pleased to appoint a Receiver to take possession of the suit lands and auction the lease hold rights in the lands every year and realise the proceeds and deposit the same into court in the suit schedule lands in O.S.No.308 of 1982, on the file of the Subordinate Judge, Kakinada, pending disposal of the above Appeal.

IA NO: 1 OF 2000(CMP 17599 OF 2000

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 appoint an Advocate Receiver in respect of the plaint schedule property in exercise of its powers under order 40 Rule 1 CPC read with rule section 96 of CPC.

IA NO: 1 OF 2002(CMP 20806 OF 2002

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 grant injunction restraining the respondent herein from immoving the earth in the suit schedule land pending disposal of the A.S.No.1034/95.

IA NO: 2 OF 2002(CMP 20807 OF 2002

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 pleased to appoint an Advocate-Commissioner for making spot inspection of the suit schedule land and furnish the report to this Hon'ble court about digging of the earth and the physical features of the suit schedule land.

IA NO: 1 OF 2014(ASMP 1708 OF 2014

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 condone the delay of 44 days in filing the present restoration petition

IA NO: 1 OF 2015(ASMP 2350 OF 2015

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 set aside the order passed in AS No. 1034 of 1995 dt 27-6-2014 by restoring the main appeal pass

IA NO: 1 OF 2017(ASMP 1000 OF 2017

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 bring the 2nd petitioner as LRs of sole appellant - Thummalapalli Viswanadham (died) in AS No.1034/1995 and ASMPs as Appellant No.2 on record for proper adjudication of the case

IA NO: 2 OF 2017(ASMP 2803 OF 2017

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 modify the premiminary decree passed in OS No.308/1982 dated 03.07.1995 on the file of the I Additional Seubordinate Judge, Kakinada to the effect that the Petitioner / 6th defendant herein her father and other brothers are entitled to 1/6th share each in view of the law laid down by the Supreme Court in 2016 (20 SCC 36 Para 23

IA NO: 1 OF 2025

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 pleased to condone the delay of 1001 days in representation of the legal representative petition complying the objections in the interest of justice, failing which the petitioner will suffer serious loss and damage and grant such other relief as it deems fit and proper in the circumstances of the case

IA NO: 2 OF 2025

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 permit the 2nd petitioner herein to come on record as legal representative of respondent No.6 in A.S.No.1034 of 1995 and in all miscellaneous applications as respondent No.7 on record for proper adjudication of the appeal and pass

IA NO: 3 OF 2025

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 pleased to permit the Petitioners herein to come on record as Respondent Nos. 12 and 13 in AS No. 1034 of 1995 as well as any Interlocutory Applications which are pending in the above Appeal, in order to protect their

interests over the house site plots purchased by them from the 4rt Dependent / 4rt Respondent herein and to pass

Counsel for the Appellant:

1. Y V SATYANARAYANA

Counsel for the Respondent(S):

1. M S R SUBRAHMANYAM
2. M BALANAGA SRINIVAS
3. CHALASANI AJAY KUMAR
4. P DURGA PRASAD

The Court made the following:

HONOURABLE SRI JUSTICE V. GOPALA KRISHNA RAO

Appeal Suit No.1034 of 1995

Judgment:

When the matter has been posted under the caption “for dismissal”, learned counsel for the respondents present. None appeared for the appellant. It seems that the appellant is not showing any interest to prosecute the matter.

2. Therefore, the Appeal Suit is dismissed for non-prosecution. There shall be no order as to costs.

Pending applications, if any, shall stand closed.

_____

V. GOPALA KRISHNA RAO, J.

Date: 29.06.2026

ARR

Whether the order is:

Speaking	✓	Reasoned	
Reportable		Non-reportable	✓