APHC010663622025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3520]**
(Special Original Jurisdiction)

TUESDAY, THE 28th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

SECOND APPEAL NO: 906/2025

Between:

1. GEDDAM RAJU, S/O. LATE SOWRIYYA, AGE 65 YEARS, OCC PRIVATE EMPLOYEE, R/O. H.NO. 18-10-5, GUN BAZAR, ELURU, WEST GODAVARI DISTRICT.

...APPELLANT

AND

1. GOTIKALA MARY KAMALA, D/O. LATE. JOSEPH MARIYANI DAVID RAJU, AGE 51 YEARS. EMPLOYEE, R/O. PLOT NO.79, FLAT NO.1, GANDHIARCHED, MOTHI NAGAR, YARRAGADDA, HYDERABAD-18.
2. THOTA VIJAYA MARY, W/O. SATISH, AGED 46 YEARS. EMPLOYEE, R/O. PLOT NO.79, FLAT NO.1, GANDHI ARCHED MOTHI NAGAR, YARRAGADDA, HYDERABAD-18.
3. GOTIKALA EDWARD REGAN, , S/O. LATE. JOSEPH MARIYANI DAVID RAJU, AGED 51 YEARS. EMPLOYEE, R/O. PLOT NO.79, FLAT NO.1 GANDHI ARCHED, MOTHI NAGAR, YARRAGADDA, HYDERABAD-18.
4. GOTIKALA ANAND, , S/O. LATE. JOSEPH MARIYANI DAVID RAJU AGED 50 YEARS. EMPLOYEE, R/O. PLOT NO.79, FLAT NO.1, GANDHI ARCHED, MOTHI NAGAR, YARRAGADDA, HYDERABAD-18.
5. GOTIKALA ARUN, S/O. LAT LATE. JOSEPH MARIYANI DAVID RAJU AGED 48 YEARS, EMPLOYEE, R/O. PLOT NO.79, FLAT

NO.1, GANDHI ARCHED, MOTHI NAGAR, YARRAGADDA, HYDERABAD-18

...RESPONDENT(S):

Appeal under section _____ against orderspleased to set aside the Judgment and Decree 10.05.2024 passed in O.S. NO. 303/2007 on the file of Additional Civil Judge (Senior Division) at Eluru as confirmed by Judgment and decree dated 31.10.2025 passed in A.S. No. 77 of 2024 on the file of The II Additional District Judge, West Godavari District, Eluru and pass

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 suspend the Judgment and Decree 10.05.2024 passed in OS. NO. 303/2007 on the file of Additional Civil Judge (Senior Division) at Eluru as confirmed by the Judgment and decree dated 31.10.2025 passed in A.S. No. 77 of 2024 on the file of the II Additional District Judge, West Godavari District, Eluru pending disposal of the above Second Appeal in the interest of justice and pass

Counsel for the Appellant:

1. KAMBHAMPATI RAMESH BABU

Counsel for the Respondent(S):

1. S APPADHARA REDDY

The Court made the following:

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

S.A.No.906 of 2025

Judgment:

1. Since notice was already ordered and the respondents have entered appearance, both sides are heard.

2. Heard Sri Kambhampati Ramesh, learned counsel for the appellant and Sri S. Appadhara Reddy, learned counsel for the respondents.

Introductory:

3. The Second Appeal is against the concurrent findings of the two Courts viz. the judgment and decree dated 26.10.2015 in O.S.No.303 of 2007 on the file of the learned Additional Civil Judge (Senior Division), Eluru and the judgment and decree dated 16.10.2019 in A.S.No.3 of 2016 on the file of the learned Judge, Family Court-cum-VII Additional District Judge, West Godavari, Eluru. However, in the Second Appeal, S.A.No.764 of 2019, in the first round, under judgment dated 28.02.2020, the matter was remanded with the limited scope of examining the applicability of Section 53-A of the Transfer of Property Act, whereupon the matter was reheard and decided by the learned Additional Civil Judge (Senior Division), Eluru and under judgment dated 10.05.2024. Against the same, an appeal was filed vide A.S.No.77 of 2024 on the file of the learned II Additional District Judge, West Godavari District, Eluru and the same was dismissed

under judgment and decree dated 31.10.2025, against which the present appeal, for the second time, came before this Court.

4. The wife of the appellant herein and the mother of respondent No.1 are sisters. With respect to the property in which the defendant (appellant) is in possession, the suit was filed for delivery of possession and all through, the plaintiff has been successful. The unsuccessful defendant is before this Court in the Second Appeal in the second round.

Hearing:

5. During the hearing at the admission stage, the learned counsel for the appellant would submit that the appellant is ready to vacate the suit schedule property, giving up all his contentions and requested six months' time by filing an affidavit of the appellant indicating his readiness to vacate and hand over possession. However, the learned counsel for the respondents would submit, on instructions, that the time may be restricted to 31st December of this year.

6. The litigation itself is around two decades old and the appellant is in possession. It is clear that, to put quietus to the legal battle between the parties, who are close relatives, the appellant has come forward with a proposal for vacating the property within six months with his affidavit and the respondents are acceptable to any reasonable time.

7. Keeping in view all the facts and circumstances of the case and considering the representation and intention of both sides, this Court is inclined to dispose the appeal granting six months time for delivery of possession, which shall end by 27.01.2027. This equitable arrangement will balance the interest of both sides and put an end to the litigation spanning over two decades.

8. Appreciating the efforts and fair submissions of both the learned counsel on record, the appeal is disposed of with the following directions:

(i). The Judgment and decree dated 10.05.2024 passed by the original Court in O.S.No.303 of 2007, which is under challenge and was confirmed by the Appellate Court *vide* judgment and decree dated 31.10.2025 passed in A.S.No.77 of 2024, shall stand confirmed.

(ii). For delivery of vacant possession of plaint schedule disputed property, time is granted till 27.01.2027.

(iii). The appellant shall remove all his movables from the premises by the time of delivery i.e. 27.01.2027.

(iv). The Execution proceedings *vide* E.P.No.1 of 2025, pending on the file of the learned Additional Civil Judge (Senior Division), Eluru, shall stand suspended till 27.01.2027.

(v). Vacant possession shall be delivered by the appellant under proper acknowledgment and the same shall be produced before the

concerned Executing Court, whereupon the Executing Court shall record the delivery.

(vi). If the appellant fails to deliver the possession by 27.01.2027, the Executing Court is at liberty to proceed as per law, in terms of Order XXI Rule 35 of the Code of Civil Procedure.

(vii). The appellant is permitted to communicate this order to the Executing Court.

(viii). The Registry is directed to communicate a copy of this order to the Executing Court.

(ix). This arrangement and disposal of the appeal is done in the presence of both the learned counsel and with their consent, taking note of the affidavit filed by the appellant agreeing to vacate the premises within six months and placing the same on record.

(x). There shall be no order as to costs in the appeal.

9. Pending applications, if any, shall stand closed.

A. HARI HARANADHA SARMA, J

Date:28.07.2026
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HON'BLE SRI JUSTICE A. HARI HARANADHA SARMA

S.A.No.906 of 2025

28th July, 2026

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