IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

CIVIL MISCELLANEOUS APPEAL NO: 486 OF 2007

Appeal filed Under Section 384 of Indian Succession Act against the order and decree of the II Additional District Judge Vijayawada passed in Succession OP No.275 of 1998 dated 04-06-2007.

Between:

1. Gonela Parvathi (Died) And Another, rep. by its Public Prosecutor, High Court of A.P., at Hyderabad.
2. Smt. Kota Raja Sulochana Died as per LRs 3 and 4,, W/o. Late Rama Rao, ' Chowtapalli Village, Veerullapadu Mandal, Krishna District.
3. Kota HariKrishna,S/o. Late Kota RamaRao,, Hindu,aged about 43 Years,R/o. 49-403-5/H,Plot No.713,Padma Nagar Phase 2, Chintal,Qutuhullapur,K.V.Rangareddy, Telangana state.
4. Kota Bhaskara Rao, S/o. Late Kota Rama Rao,, Hindu, aged about 42 Years, R/o. Chowtapalli, Krishna District. Petitioners 3 and 4 are brought on Record as Lr of the deceased 2 nd Petitioner as per C.O.dt.20.07.2023 in IA.No.3/2023.

...APPELLANTS

AND

Smt. Aurangabad Vijaya, W/o. Rama Rao, D.No. 1127, Netaji Nagar, Nandigama Village, Krishna District.

...RESPONDENTS

I.A. NO: 1 OF 2007(CMAMP. NO: 1095 OF 2007)

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 a temporary injunction restraining the Respondent from withdrawing the amounts such as Terminal benefits and death benefits of late Gonela Guravaiah from KDCC Bank Ltd., Pending disposal of the main CMA

I.A. NO: 1 OF 2017(CMAMP. NO: 39825 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 to vacate the interim stay granted in CMAMP No.1095/2007 vide order dated 09-07-2007 in CMA No.486 of 2007 and dismiss the same

I.A. NO: 2 OF 2017(CMAMP. NO: 39826 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 to permit the petitioner/respondent herein to withdraw the amounts such as Terminal Benefits and death benefits of late Gonela Gurvaiah from the KDCC Bank Ltd Krishna District.

IA NO: 1 OF 2023

Petition under Section 5 of Limitation Act r/w. Section 151 of 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 39 days in filing the Petition to set aside the abetment and pass

IA NO: 2 OF 2023

Petition under Rulw 9 of Order XXII R/W Section 151 of 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 abetment caused due to death of the 2nd Appellant (Kota Raja Sulochana) in the main Civil Miscellaneous appeal in C.M.A.No.486 of 2007, as well as in all Interlocutory Applications and pass

IA NO: 3 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 bring the proposed Petitioner Nos. 3 and 4 as Appellant Nos. 3 and 4 in main Appeal as well as in all Interlocutory Applications and pass

Counsel for the Appellants : SRI. NARASIMHA RAO GUDISEVA

Counsel for the Respondents: SRI N SAIDA RAO

The Court made the following: JUDGMENT

APHC010635642007

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3509]
(Special Original Jurisdiction)

THURSDAY ,THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

CIVIL MISCELLANEOUS APPEAL NO: 486/2007

Between:

Gonela Parvathi (died) And Another and Others ...APPELLANT(S)

AND

Smt Aurangabad Vijaya ...RESPONDENT

Counsel for the Appellant(S):

1. NARASIMHA RAO GUDISEVA

Counsel for the Respondent:

1. N SAIDA RAO

The Court made the following:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

CIVIL MISCELLANEOUS APPEAL NO: 486/2007

JUDGMENT: *(per Ravi Nath Tilhari, J)*

This appeal was filed by the appellant being aggrieved from the dismissal of her petition for grant of succession certificate in Succession O.P.No.275 of 1998 in the Court of Motor Vehicle Accident Claims Tribunal – cum – II Additional District Judge, Vijayawada by an order dated 04.06.2007.

2. In this appeal while issuing notice interim injunction was granted as prayed for on 09.07.2007.

3. Request for adjournment has been made by learned counsel for the appellants.

4. The docket order shows that on 28.03.2023, considering that the appeal pertains to the year 2007, it was directed to be listed finally on 17.04.2023 with further observation that no further time will be granted. Again on 11.05.2023, the order was passed that list finally on 21.06.2023. Under these circumstances request for adjournment is refused.

5. Learned counsel for the appellants failed to advance the arguments.

6. The matter pertains to the year 2007 and has been listed under the caption 'specially identified cases'.

7. In view of the above, the Civil Miscellaneous Appeal is dismissed for "want of prosecution".

No order as to costs.

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

SD/- P VENKATA RAMANA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Court of II Additional District Judge ,Vijayawada, Krishna District.
2. One CC to Sri. Narasimha Rao Gudiseva, Advocate [OPUC]
3. One CC to Sri. N Saida Rao, Advocate [OPUC]
4. The Section Officer, V.R Section, High Court of Andhra Pradesh.
5. Three CD Copies

Pvr

vna

HIGH COURT

DATED: 28/11/2024

JUDGMENT

CMA.No.486 of 2007



DISMISSING THE CIVIL MISCELLANEOUS APPEAL FOR WANT OF PROSECTION