**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**

FRIDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA**

**SECOND APPEAL NO: 21 OF 2025**

**Between:**

1. Tripura Dairy Farm, Rep. by Managing Partner, Arigela Veera Venkata Satyanarayana, s/o. late Veeraswamy, Aged 55 years. Business, D.No.4-243/1, Road No.4, Gowthami Nagar, Vakalapudi, Kakinada, East Godavari District.
2. Arigela Veera Venkata Satyanarayana, s/o late Veeraswamy, Aged 55 years. Managing Partner, Tripura Dairy Farm, D.No.4-243/1, Road No.4, Gowthami Nagar, Vakalapudi, Kakinada, E.G. District.

**...APPELLANT(S)**

**AND**

Akella Sri Yajna Narayana Murthy, s/o late Ramasastri, Aged 69 years, Business, r/o D.N0.8-2-393/82/A/32, Flat No.32, Road No.5, Jubilee Hills, Hyderabad, State of Telangana, Presently residing at D.No.4-243/1, Road No.4, Gowthami Nagar, Vaklapudi, Kakinada. East Godavari District.

**...RESPONDENT (Respondent/Plaintiff)**

Appeal under section 100 CPC aggrieved by the Judgment & Decree dt.23-12-2024 in A.S.No.28 of 2020 of the Court of the Court of the VI Additional District Judge, Kakinada, wherein, O.S.No.428 of 2017 was confirmed by the Judgment and Decree dt.02-01-2020 by the Principal Junior Civil Judge-Cum- Judicial Magistrate 1st Class, Kakinada.

**IA NO: 1 OF 2025**

Petition under Order 41 Rule 5 of 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 the execution of the decree & judgment in O.S.No.428 of 2017 of the Court of the Principal Junior Civil Judge-Cum-Judicial 1st Class Magistrate, Kakinada, confirmed in

Decree & Judgment dt.23-12- 2024 of the Court of the VI Additional District Judge Kakinada, passed in A.S.No.28 of 2020.

**Counsel for the Appellant(s): Sri P. RAJESH BABU**

**Counsel for the Respondent: Sri AJAY KUMAR KANAPARTHI**

**The Court made the following:**

APHC010014922025

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3209]**
**(Special Original Jurisdiction)**

FRIDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA**

**SECOND APPEAL NO: 21/2025**

**Between:**

Tripura Dairy Farm and Others **...APPELLANT(S)**

**AND**

Akella Sri Yajna Narayana Murthy **...RESPONDENT**

**Counsel for the Appellant(S):** 1. P RAJESH BABU

**Counsel for the Respondent:** 1. AJAY KUMAR KANAPARTHI

**The Court made the following Order:**

The present Second Appeal has been preferred against the Judgment and Decree of the Appellate Court dated 23.12.2024 in A.S No.28 of 2020 on the file of the VI Additional District Judge, Kakinada, confirming the Judgment and Decree of the Court of the Principal Junior Civil Judge – Cum – Judicial Magistrate of First Class, Kakinada dated 02.01.2020 in O.S No.428 of 2017 wherein the defendants/appellants herein were directed to vacate the plaint schedule property within three (03) months from the date of the Judgment.

2. This Court, in view of the undertaking affidavit of the appellants dated 09.01.2025 setting out the circumstances under which it was filed, deems it not necessary to dwell into the orders under challenge.

3. Referring to the said undertaking affidavit, dated 09.01.2025, the learned counsel for the appellants in all earnestness sought to impress upon

this Court that infact six (06) months period is not sufficient to vacate the subject matter property, however, the appellants were constrained to seek the same and accordingly pleaded to grant six (06) months to vacate and handover the premises in question.

4. Balancing the reasonableness in the submissions of the learned counsel for the appellants and requirement of the respondent, who is aged about 72 years, as per the submissions made by his counsel, this Court deems it appropriate to grant four (04) months time to the appellants to vacate the suit schedule property, i.e., on or before 31.05.2025. Infact, from the date of undertaking i.e., 09.01.2025, it comes to about five (05) months, whereas the Trial Court granted only three (03) months.

5. For the aforegoing reasons, the Second Appeal is disposed of, granting time to the appellants upto 31.05.2025 to vacate and handover the suit schedule premises to the respondent. No costs.

Miscellaneous petitions, if any, pending in the appeal shall stand closed.

**Sd/- K TATA RAO**
**DEPUTY REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The VI Additional District Judge, Kakinada.
2. The Principal Junior Civil Judge-cum-Judicial Magistrate Ist Class, Kakinada.
3. One CC to Sri. P Rajesh Babu, Advocate [OPUC]
4. One CC to Sri. Ajay Kumar Kanaparthi, Advocate [OPUC]
5. **Three CD Copies**

vna

HIGH COURT

DATED:31/01/2025

ORDER

SA.No.21 of 2025




DISMISSING THE SECOND APPEAL
WITHOUT COSTS