IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO**

**APPEAL SUIT NO: 364 OF 2013**

Appeal filed under section 96 of C.P.C, aggrieved by the Common Judgment and decree dated 20.02.2003 passed by the court of IX Additional District Judge ( FTC), Visakhapatnam in O.S No. 176 of 2008 (Originally O.S.No. 249 of 2003 of Princial Civil Judge Visakhapatnam) this appeal is filed against the adverse so far as they are concerned relating to items 6 and 7 of the plaint schedule of O.S.No. 176 of 2008.

Between:

1. Sripada Satyanarayana, S/o. Late Bhairava Murthy, aged 89 years, Retired Employee, R/o. D.No. 4-44-7 Vijayanagar Colony Peda Waltair Visakhapatnam - 17
2. Sripada Prakash, S/o. Sripada Satyanarayana aged 45 years, Retired Employee R/o. D.No. 4-44-7 Vijayanagar Colony Peda Waltair Visakhapatnam - 17

**...APPELLANT/DEFENDANTS 1& 3**

**AND**

1. Sripada Venkata Subramanya Rajagopala Rao, S/o. Sri Satyanarayana aged about 64 years, C/o. Mrs. Y. Sujatha Advocate R/o. S.F.C.I. Goutham Residency Akkayapalem Visakhapatnam Pin : 530 016

**...RESPONDENT/2nd DEFENDANT**

2. Sripada Krishna Mohan, S/o. Satyanarayana aged about 42 years, R/o. GF No.2 Lotus Krishna Apartments Plot No. 662 C-Block 1st Main Road A.E.C.S. Layout Kundanahalli Gate Marata Halli Bangalore Pin: 560 002

...RESPONDENT/PLAINTIFF

**I.A. NO: 1 OF 2013(ASMP. NO: 1169 OF 2013)**

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 judgment and decree passed in OS No. 176 of 2008 of the Court of IX Additional District Judge (FTC), Visakhapatnam so far as it relate to items 6 and 7 of the plaint schedule including stay of delivery of item 7, pending this appeal.

**Counsel for the Appellant(s) : SRI D RAMALINGA SWAMY**

**Counsel for the Respondents : SRI S RAJAN (R-1)**

**The Court made the following JUDGMENT :**

APHC010123182013

[3369]

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

FRIDAY, THE THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO**

**APPEAL SUIT NO: 364/2013**

**Between:**

1. SRIPADA SATYANARAYANA, S/O. LATE BHAIRAVA MURTHY RETIRED EMPLOYEE R/O. D.NO. 4-44-7 VIJAYANAGAR COLONY PEDA WALTAIR VISAKHAPATNAM - 17
2. SRIPADA PRAKASH, S/O. SRIPADA SATYANARAYANA RETIRED EMPLOYEE R/O. D.NO. 4-44-7 VIJAYANAGAR COLONY PEDA WALTAIR VISAKHAPATNAM - 17

**...APPELLANT(S)**

**AND**

1. SRIPADA VENKATA SUBRAMANYA RAJAGOPALA RAO, S/O. SRI SATYANARAYANA C/O. MRS. Y. SUJATHA ADVOCATE R/O. S.F.C.I. GOUTHAM RESIDENCY AKKAYAPALEM VISAKHAPATNAM PIN : 530 016
2. SRIPADA KRISHNA MOHAN, S/O. SATYANARAYANA R/O. GF NO.2 LOTUS KRISHNA APARTMENTS PLOT NO. 662 C-BLOCK 1ST MAIN ROAD A.E.C.S. LAYOUT KUNDANAHALLI GATE MARATA HALLI BANGALORE PIN: 560 002

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

THE COURT MADE THE FOLLOWING JUDGMENT:

The Appeal Suit is preferred by the appellants against the Judgment and Decree dated 20.02.2013, passed in O.S.No.01 of 2003, on the file of the learned IX Additional District Judge (FTC), Visakhapatnam.

2. None appeared for the appellants. Sri S.Rajan, learned counsel for the respondent is present.

3. It is brought to the notice of this Court about the passing away of learned counsel for the appellants, this Court ordered notice but the same were returned un-served with an endorsement 'no such person in the address' despite sending to the address shown in the appeal.

4. It seems that the appellants are not interest to prosecute appeal and without proper representation from both sides, this Court could not proceed further. Hence, this Court has no other alternative except to dismiss the appeal.

5. In the result, the Appeal Suit is dismissed for default. There shall be no order as to costs.

Interim orders granted earlier, if any, shall stand vacated.

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

**SD/- M.RAMESH BABU**

**DEPUTY REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The IX Additional District Judge ( FTC), Visakhapatnam

2. The Princial Civil Judge Visakhapatnam, District.

3. One CC to SRI. D RAMALINGA SWAMY Advocate [OPUC]

4. One CC to SRI. S RAJAN Advocate [OPUC]

5. THREE CD COPIES

YM

TAC

HIGH COURT

DATED:03/01/2025

ORDER

AS.No.364 of 2013




APPEAL SUIT IS DISMISSED FOR DEFAULT