APHC010601762025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3330]**
(Special Original Jurisdiction)

MONDAY, THE 16th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

SECOND APPEAL NO: 807/2026

Between:

1. GUDARU NAGESWARAIAH, S/O LATE SUBBAIAH, AGED ABOUT 56 YEARS, OCC AGRICULTURIST, R/O MITTAMEEDAPALLI VILLAGE AND POST RAJAMPET MANDAL, ANNAMAYYA DISTRICT.

...APPELLANT

AND

1. GUDARU VENKATAIAH, S/O SUBBAIAH, AGED ABOUT 66 YEARS, AGRICULTURIST R/O MITTAMEEDAPALLI VILLAGE AND POST, RAJAMPET MANDAL, ANNAMAYYA DISTRICT.
2. GUDARU LAKSHMI NARAYANA, S/O SUBBIAH, AGED ABOUT 58 YEARS, R/O MITTAMEEDAPALLI VILLAGE AND POST RAJAMPETA MANDAL, KADAPA DISTRICT.
3. GUDARU KRISHNA KUMARI, W/O GUDARU LAKSHMI NARAYANA, AGED ABOUT 58 YEARS, R/O MITTAMEEDAPALLI VILLAGE AND POST RAJAMPETA MANDAL, KADAPA DISTRICT.

...RESPONDENT(S):

Appeal under section _____ against orders beg to present this Memorandum of Second Appeal against the Judgment and Decree Dated 18.08.2025 in A.S.No.33 of 2024 on the file of the Court of the III Additional District Judge, Rajampet in confirming the Judgment and Decree Dated 05.11.2024 in O.S. No. 33 of 2016 on the file of the Court of the Principal Civil Judge (Senior Division), Rajampet

IA NO: 1 OF 2026

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 condone the delay of 311 days in representing the returned Appeal SA No.807 of 2026 in the interests of justice

IA NO: 2 OF 2026

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 Dispense with the filing of the certified copy of the DECREE judgement dated 05.11.2024 in O.S. No. 33 of 2016 on the file of the Court of the Principal Civil Judge (Senior Division) Rajampet.

IA NO: 3 OF 2026

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 stay all further proceedings including the execution of decree dated 05.11.2024 passed in O.S.No. 33 of 2016 on the file of the court of the Principal Civil Judge (Senior Division), Rajampet, Kadapa District

Counsel for the Appellant:

1. SIVAPRASAD REDDY VENATI

Counsel for the Respondent(S):

1. J SIVA SANKARA RAO

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

I.A.No.1 of 2026

IN/AND

SECOND APPEAL NO: 807/2026

COMMON ORDER:

The 1st respondent/plaintiff filed a suit for declaration of title and consequential relief of injunction. The suit was decreed and the appeal filed by appellant/defendant No.3 was dismissed by the lower appellate Court. Both the trial Court and appellate Court held concurrently against the appellant.

2. I.A.No.1 of 2026 is filed seeking to condone the delay of 311 days in re-presenting the returned the Second Appeal.

3. The reasons stated that the return bundle was misplaced by the clerk of the learned counsel on record, it was mingled with other bundles, and it was found out later (the affidavit does not disclose when the bundle was traced). It would go to show the gross negligence on the part of the learned counsel or litigant. In my opinion, such a reason has been stated in a very routine and casual manner. Even for representation of the case without disclosing reasons, much less satisfactory reasons, does not deserve any indulgence to be shown by the Court. The reason stated is neither a sufficient nor satisfactory reason to condone the delay of 311 days in re-presenting the Appeal. Therefore, this Court is not inclined to condone the delay.

4. Therefore, this Court concludes that the delay application is devoid of merit and I.A.No.1 of 2026 is dismissed. Consequently, the Second Appeal is dismissed.

As a sequel, interlocutory applications, if any pending in this Second Appeal shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 16.11.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

SECOND APPEAL NO: 807/2026

Date: 16.11.2026

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