

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR



PRESENT

THE HONOURABLE SRI JUSTICE V GOPALA KRISHNA RAO

APPEAL SUIT No.4014 of 2003

Appeal filed under Section 96 of C.P.C, against the Judgment and Decree dated 5-9-2003 passed in OS No.152 of 1992 on the file of the Additional Senior Civil Judge, Guntur, Guntur District.

Between:

Canara Bank, Guntur having their office at Hindu College High School Compound, represented by its Senior Branch Manager, Guntur, Andhra Pradesh,

...APPELLANT

AND

1. Ch. Rama Mohan Rao, S/o. Malakondaiah, Occ: Municipal Councillor & Business, R/o. Nehru Nagar II Lane, Guntur.
2. M/s. Vijay Engineering Corporation, Guntur, represented by its Manager Partner, A.Ganesan S/o. Armugam, R/o. D.No. 56-3-15, Patamata, Vijayawada-6.
3. T.Anjaiah, S/o. Venkaiah, R/o. D.No. 33-22-1/1, Mogalrajapuram Road, Vijayawada, within the Jurisdiction of Vijayawada D.M.C.

(R-3 dismissed for default vide C.O. dated 15.02.2011)

4. Killari Venkata Rosaiah, S/o. Late Killari Koteswara Rao, R/o. D.No.3-29-68, Ramanujakutam, Krishna Nagar, Guntur.

5. Killari Sita Ravamma, S/o. late killaari Koteswara Rao, R/o. D.No.3-29-68, Ramanujakutam, Krishna Nagar, Guntur.

6. A. Ganesan, S/o. Armugam, R/o. D.No. 56-3-15, Patamata, Vijayawada-6.

...RESPONDENTS

I.A. NO: 1 OF 2003(CMP. NO: 30126 OF 2003)

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 stay the operation of the Judgment and decree in OS No.152/92 on the file of the Additional Senior Civil Judge, Guntur dated 5-9-2003 during the pendency of the Appeal.

Counsel for the Appellant : SRI DEEPAK BHATTACHARJEE

Counsel for Respondent No.1 : SRI T P SARMA

Counsel for Respondent Nos.4 & 5 : SRI P PRABHAKAR RAO

Counsel for Respondent Nos.2, 3 & 6: NONE APPEARED

The Court made the following JUDGMENT :

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

APPEAL SUIT No.4014 of 2003

JUDGMENT:

1. When the matter was listed on the last two occasions i.e., on 28.11.2024 and 30.12.2024, there was no representation on behalf of the appellant and the same was posted to 31.12.2024, under the caption 'For Dismissal'.
2. Today when the matter is taken up for hearing, there is no representation on either side, even though the matter is listed under the caption 'For Dismissal'. It seems that the appellant is not inclined to prosecute the appeal.
3. Therefore, the Appeal Suit is dismissed for non-prosecution. There shall be no order as to costs.

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

SD/- K.TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To

1. The Additional Civil Judge (Senior Division), Guntur, Guntur District.
(with records if any)

2. One CC to Sri Deepak Bhattacharjee, Advocate [OPUC]
3. One CC to Sri T P Sarma, Advocate [OPUC]
4. One CC to Sri P Prabhakar Rao, Advocate [OPUC]
5. The Section Officer, VR Section, High Court of Andhra Pradesh at Amaravathi. **(to dispatch the trial court records)**
6. Three CD Copies

TK

TAC

HIGH COURT

DATED:31/12/2024

JUDGMENT

AS.No.4014 of 2003



**DISMISSING THE APPEAL SUIT FOR NON-
PROSECUTION**