PRINCIPAL DISTRICT COURT: EAST GODAVARI AT RAJAMAHENDRAVARAM: DATED 17.04.2026

* * *

Hon'ble High Court's ROC.No.83/JUDL/2026, Dated 16.04.2026

// C O M M U N I C A T E D //

17.4.26

PRINCIPAL DISTRICT JUDGE.

To
All the Judicial Officers in the Unit of East Godavari.

Copy to
The System Officer (I/c), Principal District Court, Rajamahendravaram with a direction to upload the same in the District Court's Official Website.

Dis. 3837
17.4.26.

S. KAMALAKARA REDDY
REGISTRAR (JUDICIAL)

AMARAVATI
DATE 16.04.2026

ROC.No.83/JUDL/2026

To
All Unit Heads in the State of Andhra Pradesh.

Sir(s)/Madam(s),

Sub: JUDICIAL- Forwarding the copies final orders passed by the Hon'ble High Court in CRP No.1015 of 2026 and CRP No.448 of 2025 – for compliance - Reg.

Ref: Final orders passed by the Hon'ble High Court of Andhra Pradesh in CRP No.1015 of 2026.

***

Apropos the subject and reference, as directed by the Hon'ble Court, I am herewith forwarding the final order copies of CRP No.1015 of 2026 and CRP No.448 of 2025 for circulation among the Judicial Officers in the Units. Further, it is requested that the Judicial Officers of the Unit shall in turn circulate the order copies among the staff members, since the orders in CRP No.1015 of 2026 and CRP No.448 of 2025, deal with scrutiny of petitions/suits being done by the staff members concerned.

The receipt of this communication may be acknowledged.

Circulate to all concerned 17/4

Yours sincerely,

REGISTRAR (JUDICIAL)
16/4/26

Annexures:

Copies of final orders passed in CRP No.1015 of 2026 and CRP No.448 of 2025

APHC010170202026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY,THE TENTH DAY OF APRIL TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

CIVIL REVISION PETITION NO: 1015 OF 2026

Petition under Article 227 of the Constitution of India, aggrieved by the docket order dt. 28.01.2026 in GR (General Register) No.2094/25 dated: 10.11.2025 in E.A.No. of 2025 (Un-numbered) in E.P.No.15 of 2023 in O.S.No.73 of 2017 on the file of the IV Additional District Judge, at Srikakulam and consequently direct the IV Additional District Judge, at Srikakulam.

Between:

Chinta Prasuna, W/o Chinta Srinivasula Reddy, Aged about 59 years, Business, Resident of Door No. 2-47-3, Plot No. 70 AU, Sector-11 MVP Colony, Visakhapatnam Urban, Visakhapatnam LB Colony, Visakhapatnam District.

...Petitioner/Third Party Claim Petitioner

AND

1. Dharmana Ganapathirao, S/o late Latchayya, aged about 63 years, Business, residing at door no.2-1-30/2, venkayyapeta village, Korlakota post, Amadalavalasa municipality, Srikakulam District, at present residing at plot No. 103, Bharat residency, Bharatnagar colony, Madhuruvada, Visakhapatnam District.
2. Dharmana Usha, W/o Ganapathirao, aged about 53 years, household duties residing at door no.2-1-30/2, venkayyapeta village, Korlakota

post, Amadalavalasa municipality, Srikakulam District, at present residing at plot No.103, Bharat residency, Bharatnagar colony, Madhuruvada, Visakhapatnam District.

...Respondents/Decree Holders

3. Kothapalli Gangaraju, S/o late Seetharamraju, aged about 64 years, cultivation, 10-20, Kotagatlapalem, Palakoduru post and mandal, West Godavari District.
4. Kothapalli Venkatapathiraju, S/o Gangaraju, aged about 30 years, cultivation, 10-20, Kotagatlapalem, Palakoduru post and mandal, West Godavari District.
5. Annepu Ramakrishna, S/o late Dalinaidu, aged about 39 years, residing at peddapeta village Burja post and mandal, Srikakulam District.

...Respondents/Judgment Debtors

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 to Stay all further proceedings in E.P. No. 15 of 2023 in O.S. No. 73 of 2017 on the file of the IV Additional District Judge, Srikakulam, pending disposal of the Civil Revision Petition failing which the petitioner will suffer serious loss and damage.

Counsel for the Petitioner: Sri T Diwakar Reddy

Counsel for the Respondents: None Appeared

The Court made the following order:

Reserved on	09.04.2026
Pronounced on	10.04.2026
Uploaded on	10.04.2026

APHC010170202026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3328]**
(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

CIVIL REVISION PETITION NO: 1015/2026

Between:

1. CHINTA PRASUNA, W/O CHINTA SRINIVASULA REDDY AGED ABOUT 59 YEARS, BUSINESS RESIDENT OF DOOR NO. 2-47-3, PLOT NO. 70 AU, SECTOR-11 MVP COLONY, VISAKHAPATNAM URBAN, VISAKHAPATNAM LB COLONY, VISAKHAPATNAM DISTRICT.

...PETITIONER

AND

1. DHARMANA GANAPATHIRAO, S/O LATE LATCHAYYA, AGED ABOUT 63 YEARS, BUSINESS, RESIDING AT DOOR NO.2-1-30/2, VENKAYYAPETA VILLAGE, KORLAKOTA POST, AMADALAVALASA MUNICIPALITY, SRIKAKULAM DISTRICT, AT PRESENT RESIDING AT PLOT NO. 103, BHARAT RESIDENCY, BHARATNAGAR COLONY, MADHURUVADA, VISAKHAPATNAM DISTRICT.

2. DHARMANA USHA, W/O GANAPATHIRAO, AGED ABOUT 53 YEARS, HOUSEHOLD DUTIES RESIDING AT DOOR NO.2-1-30/2, VENKAYYAPETA VILLAGE, KORLAKOTA POST, AMADALAVALASA MUNICIPALITY, SRIKAKULAM DISTRICT, AT PRESENT RESIDING AT PLOT NO. 103, BHARAT RESIDENCY, BHARATNAGAR COLONY, MADHURUVADA, VISAKHAPATNAM DISTRICT.

3. KOTHAPALLI GANGARAJU, S/O LATE SEETHARAMRAJU, AGED ABOUT 64 YEARS, CULTIVATION, 10-20, KOTAGATLAPALEM, PALAKODURU PSOT AND MANDAL. WEST GODAVARI DISTRICT.

4. KOTHAPALLI VENKATAPATHIRAJU, S/O GANGARAJU, AGED ABOUT 30 YEARS, CULTIVATION, 10-20, KOTAGATLAPALEM, PALAKODURU PSOT AND MANDAL. WEST GODAVARI DISTRICT.

5. ANNEPU RAMAKRISHNA, S/O LATE DALINAIDU, AGED ABOUT 39 YEARS, RESIDING AT PEDDAPETA VILLAGE BURJA POST AND MANDAL, SRIKAKULAM DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1. T DIWAKAR REDDY

Counsel for the Respondent(S):

1. Nil

The Court made the following:

ORDER:

Heard Sri T. Diwakar Reddy, learned Counsel for the Civil Revision Petitioner.

2. Having been aggrieved by the inaction of the Office of the IV Additional District Judge, Srikakulam, in numbering the Execution Application under Order XXI Rule 58 of the Code of Civil Procedure in E.P.No.15 of 2023 in O.S. No.73 of 2017, the present Civil Revision Petition is filed.

3. The facts as narrated in the Execution Application would indicate that the Applicant is the Third Party, and Respondent Nos.1 and 2 therein are the Decree Holders, and Respondent Nos.3 to 5 are the Judgment Debtors in the Execution Petition. It is averred that Respondent Nos.1 to 5 in the E.P. are no way concerned with the E.P. Schedule Property.

4. The Revision Petitioner has stated in the Execution Application that she had came to know that the Decree Holders have filed the present Execution Petition against the Judgment Debtors for recovery of the E.P. amount of Rs.85,10,163/- together with interest and costs by selling the E.P. Schedule Property on the strength of the Decree dated 03.02.2020 in O.S.No.73 of 2017. It is also stated in the Execution Application by the Revision Petitioner that the subject property was mortgaged in favour of the Decree Holders by the Judgment Debtors by way of Registered Mortgage Deed dated 12.06.2013 *vide* Document No.1746 of 2013.

5. The Revision Petitioner herein submits that she became the absolute owner of the Petition Schedule Property under Registered Sale Deed dated 14.11.2017 *vide* Document No.1755 of 2017 for valuable consideration from one Kothapalli Gangaraju, who is Judgment Debtor No.1.

6. It is also stated that since the date of purchase, the Revision Petitioner has been in peaceful possession and enjoyment of the said Property without any interference, and her name has been mutated in all the Revenue

Records. It is further stated that the Revision Petitioner has obtained the Pattadar Pass Book and Adangals in her name.

7. It is particularly averred by the Revision Petitioner that, at the time of sale, she had obtained an Encumbrance Certificate with regard to the Petition Schedule Property, and after understanding that the said Property was free from any encumbrance, she had purchased the subject property.

8. The Revision Petitioner has filed a copy of the Registered Sale Deed dated 14.11.2017 *vide* Document No.1755 of 2017 along with the Execution Application before the IV Additional District Judge, Srikakulam.

9. It is also stated that the Revision Petitioner's Vendor (Sri Kothapalli Gangaraju – Judgment Debtor No.1) had purchased the Petition Schedule Property by way of Registered Sale Deed dated 29.01.2011 *vide* Document No.161 of 2011 from one Sri Bhogi Viswanadham, who had inherited the said property from his ancestors.

10. It is further stated that Sri Bhogi Viswanadham became the absolute owner of the Petition Schedule Property by way of devolution. It is also stated that the Revision Petitioner got the Petition Schedule Property converted into commercial land *vide* Application No.NLCR011800012112.

11. In the above premise, the Revision Petitioner made a Prayer in the Execution Application to adjudicate the claim of the Petitioner by declaring that she is having right over some extent of the E.P. Schedule Property along with the Respondents and to exclude the same from the Sale Proceedings in the E.P.

12. The Docket of the Court of the IV Additional District Judge, Srikakulam, would indicate that the said Execution Application was returned on the following dates: 10.11.2025, 08.12.2025, and 28.01.2026.

13. It is the submission of the learned Counsel for the Revision Petitioner that while the Execution Application filed by the Revision Petitioner is kept unnumbered indefinitely, the Execution Court is proceeding further for

notifying the Suit Schedule Property for Auction. If the Auction is conducted for the entire extent, including the portion claimed by the Revision Petitioner, she would be put to irreparable injury and hardship.

14. The above facts would indicate that the Office of the IV Additional District Judge, Srikakulam, has returned the Execution Application by raising certain queries. This Court is not considering the validity or otherwise of the queries raised by the Office of the IV Additional District Judge, Srikakulam.

15. The law is well settled as to how the Court should proceed in situations of this nature, where the Office of the Presiding Officer is not convinced with the Explanation rendered by the respective Counsel for the purpose of numbering an Interlocutory Application.

16. This Court, by an Order dated 05.06.2025 in C.R.P.No.448 of 2025, has laid down the Procedure required to be followed in such instances as described hereinabove. While doing so, this Court has placed reliance on the Manual published by the Andhra Pradesh State Judicial Academy titled as "A Guide for the Ministerial Officers of Subordinate Courts working under the control of the High Court of Andhra Pradesh" (hereinafter referred to as "Guidelines"). The relevant portion of the Guidelines is extracted hereunder:

> ***"INSTRUCTIONS TO THE CHIEF MINISTERIAL OFFICERS:***
>
> *1) A plaint has to be either numbered or returned within 3 days.*
>
> *1) All objections which may be relevant shall be taken at one time.*
>
> *Taking of piece meal objections shall be avoided.*
>
> *2) The plaint shall be returned for more than three times. If still the objections remained unanswered, the plaint shall be placed at bench for hearing the advocate and for passing necessary orders.*
>
> *3) It is the responsibility of the C.M.O to bring it to the notice of the Presiding Judge as to whether the plaint contains any unnecessary, scandalous, frivolous, vexatious matters or if it is an abuse of the process of the court in order to strike out the same by court as per Order 6 Rule 16 C.P.C*

4) xxx."

17. Although the above said Guidelines deal with the numbering of the claim, nevertheless, the Analogy as well as the Principle of Law applies even with regard to the Interlocutory Application as well to the effect that if the learned Counsel or the Party fails to convince the Office of the learned Judge, the only course left open to the Office is to list the same on any convenient date, depending on the need and exigency of the situation, before the Court, where the learned Presiding Officer is required to hear the Objections and judicially decide the matter by passing a Speaking Order.

18. This is necessitated on account of the fact that the claim of the citizen, maintainable or otherwise, shall be decided, lest the cause might become infructuous due to the ongoing Proceedings, and the Applicant, who had approached the Court, might be left high and dry without a legal remedy.

19. If the Court hears the Objections and passes a Judicial Order, that enables the Party or Parties to avail other remedies as available to them under law.

20. In the above premises, this Court deems it appropriate to dispose of this Civil Revision Petition with the following directions:

i. Since the Execution Application filed by the Revision Petitioner in E.P.No.15 of 2023 in O.S.No.73 of 2017 has been returned thrice, and the last date of return was on 28.01.2026 granting seven days' time for curing the defects, the Office is directed to list the said E.A. before the learned Presiding Officer within one (01) week from the date of uploading of this Order on the website of this Court.

ii. The learned Presiding Officer shall thereafter decide the maintainability of the Execution Application filed by the Revision Petitioner, after putting all the Parties to Notice, and the hearing shall take place on a day-to-day basis.

iii. Learned Presiding Officer shall suspend the E.P. Proceedings until he/she passes a Judicial Order as regards the maintainability of the Execution Application filed by the present Revision Petitioner.

21. With these observations and directions, the Civil Revision Petition is disposed of. No order as to costs. It is clarified that this Court has not made any observation on the merits of the case.

22. Before parting with this case, this Court is required to deal with an issue of public importance. This Court has noticed that the Plaints/Interlocutory Applications/Execution Petitions/Execution Applications, etc., which are filed are being unduly delayed at the Numbering Stage on account of the Office of the concerned Court not being satisfied with the Explanation given by the Party/Counsel.

23. Under these circumstances, it would be inappropriate to shuttle such Pleadings between the Office of the Court on the one hand and the Party/Counsel on the other hand for an indefinite period of time and for any number of times.

24. Since the Guidelines incorporated in the Manual published by the Andhra Pradesh State Academy would provide guidance to the effect that the Office can return Plaints/Interlocutory Applications/Execution Petitions/Execution Applications, etc., with Objections only three (03) times, if the Office is unconvinced with the Explanation given by the Party/Counsel even the third time, the Office may note the same and put up the matter for hearing before the learned Presiding Officer in the open Court.

25. In this view of the matter, Registrar (Judicial) is requested to circulate a copy of this Order along with a copy of the Order of this Court passed in C.R.P.No.448 of 2025, dated 05.06.2025, to all the Judicial Officers in the State for their guidance.

26. Registrar (Judicial) shall also direct the Judicial Officers to inform their Staff, Subordinates, and Ministerial Staff about these Orders for the purpose of processing the Pleadings mentioned above.

27. Interlocutory Applications, if any, stand closed in terms of this order.

Sd/- K. KASI RAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar (Judicial), High Court of Andhra Pradesh at Amaravati.
2. The IV Additional District Judge, Srikakulam, Srikakulam District.
3. One CC to Sri T Diwakar Reddy Advocate [OPUC]
4. Two CD Copies

SAM

R(J)

SAM

HIGH COURT

DATED:10/04/2026

ORDER
CRP No. 1015 of 2026

DISPOSING OF THE CRP

APHC010080772025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3328]**
(Special Original Jurisdiction)

THURSDAY ,THE FIFTH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

CIVIL REVISION PETITION NO: 448/2025

Between:

1. K. MOHAMMED ARIF, S/O. LATE. K.MOHAMMED HUSSAIN SAB, AGED ABOUT 58 YEARS, OCC R/O.D.NO. 16-12-2, TIPPU KHAN STREET, HINDUPUR TOWN AND MANDAL, SRI SATYA SAI DISTRICT ERSTWHILE ANANTAPUR DISTRICT.

...PETITIONER

AND

1. K MOHAMMED FAIROZ, , S/O. LATE K.MOHAMMED HUSSAIN SAB, AGED ABOUT 45 YEARS, OCC BUSINESS, R/O.D.NO.26-4-1646, RTC COLONY, HINDUPUR TOWN AND MANDAL, SRI SATHYA SAI DISTRICT ERSTWHILE ANANTAPUR DISTRICT.

2. LIYAZ BAIG, S/O. NAZEER BEIG, AGED ABOUT 40 YEARS, OCC BUSINESS, R/O.D.NO.1 A, 10TH CROSS, 1ST MAIN, NEAR MEDICAL BOMMANAHALLI, BANGALORE, KARNATAKA STATE.

3. B AZGAR AHAMMED, S/O. INTHIYAZ, AGED ABOUT 30 YEARS, OCC BUSINESS, R/O.D.NO.20-5-6, NINKAMPALLI, HINDUPUR TOWN AND MANDAL, SRI SATHYA SAI DISTRICT ERSTWHILE ANANTAPUR DISTRICT.

4. BARKATH, S/O. MAHABOOB SAB, AGED ABOUT 42 YEARS, OCC BUSINESS, R/O.D.NO.20-5-5, NINKAMPALLI, HINDUPUR TOWN AND MANDAL, SRI SATHYA SAI DISTRICT ERSTWHILE ANANTAPUR DISTRICT

5. SYED HABEEBULLA, S/O. LATE S.A.BASSID, AGED ABOUT 58 YEARS, OCC BUSINESS, R/O.D.NO.9, BENSEN CROSS ROAD, BENSION TOWN, BANGALORE, KARNATAKA STATE

...RESPONDENT(S):

Counsel for the Petitioner:

1. P NARAHARI BABU

Counsel for the Respondent(S):

1.

The Court made the following ORDER:

Heard Sri M.K. Raj Kumar, learned Counsel appearing on behalf of Sri P. Narahari Babu, learned Counsel for the Revision Petitioner.

2. Having been aggrieved of non-numbering of the Suit by the Office (Filing Section) of the Additional District Judge, Hindupur, the present Civil Revision Petition is filed.

3. Plaintiff is the Revision Petitioner herein. The Suit is filed for specific performance. There are several Defendants in the Plaint. The prayer sought in the Plaint (suit) is as under:-

> "It is prayed that the Hon'ble court be pleased to pass
>
> (a) a Decree in favour of the plaintiff and defendants No.1 to 4 and against the defendants No.5 for specific performance of the contract and Oppudal khararu and,
>
> b) Direct the defendants No.1 to 4 to deposit their share of balance of sale consideration under agreement and Oppudal khararu Dt: 07.04.2021 into the Court and in case in failure of the deposit of the balance of sale consideration to extent of their share, the Honourable court may direct the defendant No.5 to execute the regd. sale deed to the extent of the plaintiff share in the suit schedule property in favour of the plaintiff

c) and in case if they fail to execute the regd. Sale deed, the Hon'ble court may execute the regd. sale deed on behalf of the defendant No.5 through court and give possession of the same and,

d) Award costs of the suit, and

e) Grant such other relief or reliefs as the Hon'ble Court deems fit in the circumstances of the case and in the interest of justice".

4. The following chronological events are relevant for deciding the present Revision Petition:

i. 06.04.2025 – Plaint was presented in Office (Filing Section).

ii. 07.05.2024 – Plaint was returned with the following office objections:

a) *How the Plaintiff filed this Suit as the Plaintiff is not at all party in the Agreement of Sale dated 07.04.2021.*

b) Stamp Duty and Penalty should be paid for Agreement of Sale dated 07.04.2021.

c) Stamp Duty and Penalty should be paid for Mutual Agreement *(Voppudala Khararunama)* dated 07.04.2021

d) Correct provision of law should be mentioned for payment of Court Fee.

e) Deficit Court Fee should be paid.

f) Deficit Welfare Stamp should be paid.

g) Separate schedule copies – 2 Nos. should be filed.

iii. 15.06.2024 – Office Objection Nos.1,2,3 & 5 were purportedly complied with. Insofar as the Office Objection No.1 is concerned, the Plaintiff has given the following explanation :

"1. Objection No.1 that: The defendants No.4 purchased the suit schedule property from the **defendant No.5**, dt: 07-04-2021 and on the same day, the defendants No.1 to 4 and plaintiff were entered in to the Mutual agreement (OPPUDALA KHARAARU). As per Mutual agreement between and defendants No.1 to 4 and plaintiff, were jointly purchased the suit schedule property on the

same day i.e. 07.04.2021. Thus, Mutual agreement dated: 07.04.2021 and agreement of sale dt: 07.04.2021 in each other documents are simultaneously linked documents. The defendant No.4 being the as party to the agreement of sale Dated: 07.04.2021, and defendants No.1 to 4 and plaintiff were entered in to the mutual agreement. Hence, the plaintiff is filed the suit."

iv. 28.06.2024 – Plaintiff was directed to comply with Office Objection Nos. 2 and 3.

v. 03.07.2024 – Office Objections were again purportedly complied with and the Plaint was re-represented.

vi. 09.09.2024 – the Office has returned the Plaint once again with the following objections:

"To state how this Suit is maintainable for the relief of specific performance".

vii. 17.09.2024 – the Plaintiff/Revision Petitioner, purporting to have complied with the Office Objection, re-represented the Plaint once again on 17.09.2024 with the following clarifications :

"Both the Documents i.e. Agreement of sale and Oppudala Kharaaru were written in one date and same timing i.e. 07.04.2021. As per Oppudala Kaharau (Mutual agreement) the defendants No.1 to 4 and plaintiff, were jointly purchased the suit schedule property on the same day i.e. 07-04-2021 and same is pleaded in the Oppudala Khararu about the agreement of sale dated: 07.04.2021. Thus, Oppudal Khararu (Mutual agreement) dated: 07.04.2021 and agreement of sale dt: 07.04.2021 in each other documents were been simultaneously linked documents and taken in to the consideration. Hence, objection complied.

Note: 14-09-2024, 15-09-2024 and 16-09-2024 being public Holidays. Hence suit is represented next working day i.e. 17-09-2024."

viii. 03.10.2024 – the Plaint was returned with Office Objection stating that : *"Objection dated 09.09.2024 shall be complied properly. Hence returned. Time 7 days"*

5. All the Objections that were raised were signed by the Additional District Judge, Hindupur.

6. For the disposal of the present C.R.P., it is not necessary for this Court to consider the facts even though this Court has minutely gone through all the relevant facts emerging from the Plaint and material documents filed along with the Plaint. For the present purpose, it is relevant to place reliance on the contents from a book titled as "A Guide for the Ministerial Officers of Subordinate Courts working under the control of the High Court of Andhra Pradesh" (the Guidelines), which is published by the Andhra Pradesh Judicial Academy. Relevant portion of the Guidelines is extracted herein below:

> "**INSTRUCTIONS TO THE CHIEF MINISTERIAL OFFICERS**;
>
> 1) A plaint has to be either numbered or returned within 3 days.
>
> 2) All objections which may be relevant shall be taken at one time.
>
> Taking of piece meal objections shall be avoided.
>
> 3) The plaint shall be returned for more than three times. If still the objections remained unanswered, the plaint shall be placed at bench for hearing the advocate and for passing necessary orders.
>
> 4) It is the responsibility of the C.M.O to bring it to the notice of the Presiding Judge as to whether the plaint contains any unnecessary, scandalous, frivolous, vexatious matters or if it is an abuse of the process of the court in order to strike out the same by court as per Order 6 Rule 16 C.P.C
>
> 5) xxx."

7. As per the said Guidelines, when the defects are notified for three times by the Office (Filing Section) and in the opinion of the Office/Court, the Plaintiff/Plaintiffs (through their Counsel) have not cured the defects, which

are pointed out, to the satisfaction of the Office (Filing Section), it is mandatory for the Office to post the matter for hearing in the open Court as regards the uncured Objections.

8. This apart, Rule No.22 (new) of the Andhra Pradesh Civil Rules of Practice empowers the Ld. Judge to hear on the uncured Objections raised by the Office (Filing Section) in the open Court and Rule on the same. Upon hearing of the objections, if the Ld. Judge is satisfied, ld. Judge may proceed to direct the Registry to number the Suit or the Ld. Judge may reject the plaint under Order VII Rule 11 of the Civil Procedure Code, 1908 (C.P.C) if the Ld. Judge is not satisfied with the submissions made by the Ld. Counsel for the Plaintiff/Plaintiffs.

9. Rule 22 (new) of the Andhra Pradesh Civil Rules of Practice, 1990 is usefully extracted hereunder:

> **"22. (New) Procedure on presentation:-**
>
> (1) On presentation of every plaint the same shall be entered in Register No. 17 in Appendix II, Part-II, Volume II and examined by the Chief Ministerial Officer of the Court.
>
> (2) If he finds that the plaint complies with all the requirements, he shall make an endorsement on the plaint 'Examined and may be registered' with the date and his signature and placed before the Judge, The Chief Ministerial Officer shall also endorse on the plaint or proceedings if any caveat has been filed. If he thinks that the plaint shall be returned for presentation to the proper court or be rejected under Order VII Rule 11 or for any other person, he shall place the matter before the Judge for orders.
>
> (3) Subject to the provisions of sub-rule (2), any non-compliance with these rules or any clerical mistake

> may be required by the Chief Ministerial officer to be rectified. Any rectification so effected, shall be initialled and, dated by the party or his advocate making the same and the Chief Ministerial Officer shall note the number of corrections in the margin and shall initial and date the same.
>
> In the event of such rectification not being made within the time specified, the Chief Ministerial Officer shall place the matter before the Judge for Orders."

10. A Learned Single Judge of this Court had an occasion to deal with this aspect in ***Gorripati Veera Venkata Rao and Others Vs. Ethalapaka Vanaja and Others*** (***C.R.P.No.1841 of 2024, decided on 10.01.2025) : 2025 SCC OnLine AP 50***. The Learned Single Judge, having dealt with various Authorities and the provisions of law had held as under:

> "42. The maintainability of a suit is always a question which is to be decided by the Court. The present stage is the registration of the plaint. After registration and placing of the plaint before the Court for consideration, such question of maintainability may be considered and answered. It is not the stage to raise the question of maintainability, unless the maintainability of the suit on the face of it is barred, by some statute, or the jurisdiction of the Civil Court is ousted on the face of the legal provisions. In such a case, also, the Registry can raise the objection, note down the objection about maintainability, but, it cannot insist to explain before the Registry, and satisfy about the suit maintainability. ***The Registry has no power to decide such objection. After raising the objection on maintainability of the suit, the matter is to be placed before the Court, where the plaintiff has to satisfy the Court about the maintainability. Deciding the maintainability of the suit is a judicial function and not a ministerial function. Consequently, even if there be a valid objection to the maintainability of a suit, the plaint is not to be refused registration nor is to be returned by the Registry but is to be placed before the court, pointing out such objection***."
>
> (emphasis supplied)

11. The facts in this case would indicate that the Office (Filing Section) has already returned the Plaint, nearly about four times in order to enable the learned Counsel for the Plaintiff to cure defects and answer the Objections on

the maintainability. First time the Plaint was returned on 07.05.2024 pointing out about seven (07) defects (extracted supra). The second time, the Plaint was once again returned by the Registry on 28.06.2024 with a direction to the Plaintiff 'to comply with Office objection Nos. 2 and 3 dated 07.05.2024.'

12. The third time, the Plaint was returned on 09.09.2024 with a direction "*to state as to how the suit is maintainable for Relief of Specific Performance.*" For the 4th time, the Plaint was once again was returned with office Objections on 03.10.2024 indicating that "*objection dated 09.09.2024 shall be complied properly*". The facts would indicate that the plaint was returned for want of curing deficiencies/defects on 07.05.2024, 28.06.2024, 09.09.2024 and 03.10.2024. Since the trial Court has already returned the Plaint more than three times, exercising its power under Rule-22 (new) of the Andhra Pradesh Civil Rules of Practice, the trial Court ought to have listed the matter for hearing in the open Court and decide accordingly as per law. As stated earlier, this Court has considered the facts involved in the Plaint. Having done so, this Court is of the opinion that the objections raised therein are completely justified in law and a burden is cast on the learned Counsel representing the Plaintiff to satisfy the Learned Presiding Officer as regards the maintainability.

13. In this view of the matter, this C.R.P is disposed of with a direction to the Court of Additional District Judge, Hindupur to post this matter (Plaint Vide CF No.1386, dated 06.04.2024) at any convenient date for open hearing and dispose of the same in accordance with law within a period of four (04)

weeks from today. It is clarified that this Court has not expressed anything on merit. Any observations made herein shall not have any bearing on the Learned Presiding Officer.

14. Registry is directed to convey a copy of this Order to the Additional District Judge, Hindupur within one week from today for effective compliance.

15. With these observations and directions, this C.R.P stands disposed of. No order as to costs.

16. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 05.06.2025
JKS/MNR

HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

C.R.P.No.448 of 2025

Dt. 05.06.2025
JKS/MNR