OFFICE OF THE PRINCIPAL DISTRICT JUDGE:: KURNOOL

Dis.No. 276 /Estt/2026 dated 17-01-2026

Judgment, dated 17-12-2025 in CMA.No.626 of 2025 passed by the Hon'ble High Court of Andhra Pradesh at Amaravthi, is herewith communicated, for information and necessary action.

All the Judicial Officers are working in Kurnool District are requested to download the Judgment, dated 17-12-2025 in CMA.No.626 of 2025 passed by the Hon'ble High Court of Andhra Pradesh at Amaravthi, from District Court website i.e.,**https://kurnool.dcourts.gov.in** for information.

All the Judicial Officers are requested to submit the compliance report after downloading the above copy to this Court.

PRINCIPAL DISTRICT JUDGE,
KURNOOL.

To,

1. All the Judicial Officers working in Kurnool District.
2. The Superintendent/Civil Bench Clerk, Principal District Court, Kurnool.
3. The Stenographer Grade-I, Principal District Court, Kurnool.

The System Officer, District Court, Kurnool, with a direction to upload the same in the District Court's Official website.

APHC010452142025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

DISTRICT & SESSIONS COURT 19 JAN 2026 CHIEF ADMN OFFICER KURNOOL-518 001

WEDNESDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

HONOURABLE SRI JUSTICE NINALA JAYASURYA

AND

HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CIVIL MISCELLANEOUS APPEAL No.626 of 2025

Appeal under Order 43, Rule 1 of CPC, against the Order and decree dated 05-08-2025 made in IA.No.246 of 2023 in OS.No.2 of 2023 on the file of the Court of III Additional District Judge, Nandyal, Kurnool District.

Between:

1. Bijinavemula Tholisamma, W/o B.Sivareddy, Aged about 53 years, house wife, H.No. 2/82, Kanala Village, Nandyal Mandal and District.
2. Mukkannalla Sujitha @ Gayathri, W/o Suresh, Aged about 53 years, house wife, resident of Sai Apartments, 3rd Floor, 3rd lane, Aravindnagar, Ananthapur Town and District.
3. Bijinavemula Vijaya Sekhar Reddy, S/o B.Sivareddy, Aged about 52 years, Cultivation, Kanala Village, Nandyal Mandal and District.
4. Annapureddy Shobha @ Nandha Kumari, W/o Sheshareddy, Aged about 53 years, house wife, H.No.25/428-2, R.S.Road, A.V.R. Complex, Nandyal Mandal and District.

Rno. 453
19/1/26

5. Bijinavemula Kiran Kumar Reddy, S/o B.Sivareddy, aged about 45 years, Cultivation, Flat No.14, Sivasai Green Homes, Rythunagaram Village, Nandyal Town and District.
6. Mukkamalla Sailaja, W/o Srivasu Reddy, Aged about 44 years, house wife, resident of Sai Apartments, 3rd Floor, 3rd lane, 1st Cross, Aravindnagar, Ananthapur Town and District.
7. Bijinavemula Pradeep Kumar Reddy, S/o B.Sivareddy, Aged about 53 years, Cultivation, Kanala Village, Nandyal Mandal and District.

...Appellants/Respondents/Defendants

AND

1. Dusani Sivamma, W/o Dusani Bala Subba Reddy, Aged about 77 years, house wife, H.No.2/82, Kanala Village, Nandyal Mandal and District.
2. Seelam Saraswathi, W/o Late Deevareddy, Aged about 77 years, house wife, H.No. 28/383/1, Noonepalli Village, Nandyal Mandal and District.
3. Geereddy Ammani @ Lakshmi, W/o Geereddy Jambula Reddy, Aged about 67 years, Hindu, House wife, resident of Sumadura Agro Police, Plot No. 915, Gachibowli, Nanakramguda, Hyderabad.
4. Kadiri Subharathnamma, W/o Kadiri Nallapu Reddy, Aged about 98 years, house wife, H.No.2/97, Kanala village, Nandyal Mandal and District.
5. Dusani Sekhara Reddy, S/o D.Venkata Subba Reddy, Aged about 77 years, house wife, H.No.2/75, Kanala Village, Nandyal Mandal and District.

...Respondents/Petitioners/Plaintiffs

IA NO: 1 OF 2025

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased stay the operation of the Order and decretal order dated 05-08-2025 made in I.A.No.246 of 2023 in O.S.No.2 of 2023 on the file of the Court of III Additional District Judge, Kurnool at Nandyal, pending disposal of the above Civil Miscellaneous Petition.

Counsel for the Appellants : SRI N SRIRAM MURTHY

Counsel for the Respondents : SRI SUDHAKARA RAO AMBATI

The Court made the following :

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

C.M.A. No.626 OF 2025

Between:

Bijinavemula Tholisamma and 6 Ors. .... Appellants

Versus

Dusani Sivamma and 4 Ors. .... Respondents

DATE OF JUDGMENT PRONOUNCED: 17.12.2025

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

&

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment may be Marked to Law Reporters/Journals. ✓ Yes/No

3. Whether Their ladyship/Lordship wish to see the fair copy of the Judgment? ✓ Yes/No

*THE HON'BLE SRI JUSTICE NINALA JAYASURYA

&

*THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

+ Civil Miscellaneous Appeal No.626 of 2025

%Date : 17.12.2025

Bijinavemula Tholisamma and 6 Ors. --- Appellants

and

$ Dusani Sivamma and 4 Ors. --- Respondents

! Counsel for the Appellants : Mr.N.Sriram Murthy

^ Counsel for Respondents : Mr.Ambati Sudhakar Rao

< GIST : --

> HEAD NOTE : --

? Cases referred :

2022(2) ALD 1 (AP) (DB)
(1992) 1 SCC 719
(1993) 3 SCC 161
(2012) 5 SCC 370
2025 (2) ALD 132
1998(1) ALT 292

APHC010452142025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3549]**
(Special Original Jurisdiction)

WEDNESDAY,THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

AND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CIVIL MISCELLANEOUS APPEAL No: 626 of 2025

Between:

1. BIJINAVEMULA THOLISAMMA, W/o B.SIVAREDDY, AGED ABOUT 53 YEARS, HOUSE WIFE, H.No. 2/82, KANALA VILLAGE, NANDYAL MANDAL AND DISTRICT.

2. MUKKAMALLA SUJITHA @ GAYATHRI, W/O SURESH, AGED ABOUT 53 YEARS, HOUSE WIFE, RESIDENT OF SAI APARTMENTS, 3RD FLOOR, 3RD LANE, ARAVINDNAGAR, ANANTHAPUR TOWN AND DISTRICT.

3. BIJINAVEMULA VIJAYA SEKHAR REDDY, S/o.B.SIVAREDDY, AGED ABOUT 52 YEARS, CULTIVATION, KANALA VILLAGE, NANDYAL MANDAL AND DISTRICT.

4. ANNAPUREDDY SHOBHA @ NANDHA KUMARI, W/o.SHESHAREDDY, AGED ABOUT 53 YEARS, HOUSE WIFE, H.No. 25/428-2, R.S.ROAD, A.V.R. COMPLEX, NANDYAL MANDAL AND DISTRICT.

5. BIJINAVEMULA KIRAN KUMAR REDDY, S/o.B.SIVAREDDY, AGED ABOUT 45 YEARS, CULTIVATION, FLAT NO. 14, SIVASAI GREEN HOMES, RYTHUNAGARAMVILLAGE, NANDYAL TOWN AND DISTRICT.

6. MUKKAMALLA SAILAJA, W/o. SRIVASU REDDY, AGED ABOUT 44 YEARS, HOUSE WIFE, RESIDENT OF SAI APARTMENTS, 3rd FLOOR, 3RD LANE, 1ST CROSS, ARAVINDNAGAR, ANANTHAPUR TOWN AND DISTRICT.

7. BIJINAVEMULA PRADEEP KUMAR REDDY, S/o.B.SIVAREDDY, AGED ABOUT 53 YEARS, CULTIVATION, KANALA VILLAGE, NANDYAL MANDAL AND DISTRICT.

...APPELLANT(S)

AND

1. DUSANI SIVAMMA, W/o.DUSANI BALA SUBBA REDDY, AGED ABOUT 77 YEARS, HOUSE WIFE, H.NO. 2/82, KANALA VILLAGE, NANDYAL MANDAL AND DISTRICT.

2. SEELAM SARASWATHI, W/o.LATE DEEVAREDDY, AGED ABOUT 77 YEARS, HOUSE WIFE, H.No. 28/383/1, NOONEPALLI VILLAGE, NANDYAL MANDAL AND DISTRICT.

3. GEEREDDY AMMANI LAKSHMI, W/O GEEREDDY JAMBULA REDDY, AGED ABOUT 67 YEARS, HINDU, HOUSE WIFE, RESIDENT OF SUMADURA AGRO POLICE, PLOT NO. 915, GACHIBOWLI, NANAKRAMGUDA, HYDERABAD.

4. KADIRI SUBHARATHNAMMA, W/O KADIRI NALLAPU REDDY, AGED ABOUT 98 YEARS, HOUSE WIFE, H.NO. 2/97, KANALA VILLAGE, NANDYAL MANDAL AND DISTRICT.

5. DUSANI SEKHARA REDDY, S/O D.VENKATA SUBBA REDDY, AGED ABOUT 77 YEARS, HOUSE WIFE, H.NO. 2/75, KANALA VILLAGE, NANDYAL MANDAL AND DISTRICT.

...RESPONDENT(S):

Counsel for the Appellant(S):

1. Mr.N.SRIRAM MURTHY

Counsel for the Respondent(S):

1. MR.AMBATI SUDHAKAR RAO

Judgment Reserved on : 17.09.2025

Judgment Pronounced on : 17.12.2025

Judgment Uploaded on : 18.12.2025

The Court made the following judgment: *(Per Hon'ble Sri Justice Ninala Jayasurya)*

The present Civil Miscellaneous Appeal is filed against the order dated 05.08.2025 passed in I.A.No.246 of 2023 in O.S.No.2 of 2023 on the file of the Court of the III Additional District Judge, Kurnool at Nandyal.

2. The respondents herein / plaintiffs filed the said suit against the appellants / defendants seeking the following reliefs:

a) for passing of preliminary decree for partition of plaint schedule properties into 2 equal shares and allot one share each to the plaintiffs and defendants i.e., half share to plaintiffs 4 and 5 in the half share of plaintiffs half share and 1/3rd share each to plaintiffs 1 to 3 in the remaining half share of plaintiffs half share and 1/7th share each to defendants 1 to 7 in the remaining half share of defendants in the plaint schedule properties with regard to good and bad qualities and deliver possession of the same to the plaintiffs.
b) for passing of final decree in terms of preliminary decree;
c) for permanent injunction restraining the defendants and their legal heirs from alienating or create any encumbrances like sale, gift, mortgage etc., or transferring the suit property in any manner in favour of anybody till the disposal of the suit;
d) to award costs;
e) and to grant such other relief or reliefs as the Court deem fit and proper in the circumstances of the case.

3. It is the case of the respondents / plaintiffs that the appellants / defendants are their close relatives, that some of the plaint schedule properties belonged to one Mr.Bala Linga Murthy Reddy, who had two sons viz., Nagarlapati Nagireddy and Lingamurthy Reddy and both of them died

long back. Mr.Nagarlapati Nagi Reddy married one Venkata Subbamma after the death of his first wife Smt.Subbamma, that the said Venkata Subbamma is no more and the first wife of Nagarlpati Nagireddy had only one daughter by name Lingamma and she also died. The said Lingamma had one daughter and one son viz., K.Subba Rathnamma (4th plaintiff) and D.Sekhara Reddy (5th plaintiff) and the second wife of Nagarlapati Nagireddy i.e., Venkata Subbamma had three daughters viz., Dusani Sivamma (first plaintiff), Seelam Saraswathi (second plaintiff) and Geereddy Ammani @ Lakshmi (third plaintiff). It is the further case of the plaintiffs that during the life time of the said Nagarlapati Nagireddy and Nagarlapati Linga Murthy Reddy, they purchased some of the plaint schedule properties with the joint nucleus funds of other joint family properties and all the plaint schedule properties are construed as joint family properties and the plaintiffs and the defendants are having shares in the plaint schedule properties as per Law, being co-parceners. It is also their case that in view of the death of Mr.Nagarlapati Nagi Reddy, Nagarlapati Linga Murthy Reddy as also his son Mr.Siva Reddy, the defendants who are the legal heirs of the said Siva Reddy are managing the joint family plaint schedule properties on behalf of them and also on behalf of the plaintiffs and sharing the income to the plaintiffs i.e., legal heirs of the deceased Nagarlapati Nagi Reddy as per the Law deriving from the plaint schedule properties till one year prior to filing of the suit and as the defendants stopped sharing the income to the respondents / plaintiffs, they got issued a legal notice and thereafter filed the suit.

4. The appellant No.3 / defendant No.3 filed a detailed written statement admitting the relationship between the parties, but denying that the plaint schedule properties are the joint family properties of both defendants and plaintiffs and some of the plaint schedule properties are exclusive properties of the defendants and that they are the absolute owners having rights, title, possession and enjoyment of the same and the plaintiffs are no way concerned to the properties. While stating that the boundaries mentioned in the items of plaint schedule properties are wrong etc., double entries of the plaint schedule properties were made, the details of which are set out in Para No.4 of the written statement, it was specifically pleaded that on 29.11.1963, oral partition of the properties took place between Nagarlapati Nagi Reddy and N.Linga Murthy Reddy in the presence of village elders that the same was acted upon. The details of the properties fell to the share of Mr.Nagi Reddy and Mr.Linga Murthy Reddy with survey numbers and extents apart from the properties stated to have been purchased with his own income by Mr.Linga Murthy Reddy is also the properties devolved on the defendants from their grandmother one Smt.Nandanamma (wife of Linga Murthy Reddy) are mentioned in the written statement. A plea with regard to limitation was also raised and along with the written statement, the defendants filed more than 60 documents.

5. Along with the suit, the respondents / plaintiffs filed I.A.No.246 of 2023 seeking temporary injunction restraining the defendants / appellants from alienating the petition schedule properties in favour of anybody and not to

disturb their joint possession and enjoyment till the disposal of the suit. In the affidavit filed in support of the said I.A., they reiterated the plaint averments. The 3rd appellant / 3rd defendant filed a counter reiterating the specific stand taken in the written statement.

6. The learned Trial Court, allowed the said I.A., and granted the relief as prayed for.

7. Heard learned counsel for the appellants / defendants. Also heard learned counsel for the respondents / plaintiffs.

8. Learned counsel for the appellants made elaborate submissions with reference to the specific case of the appellants as set out in the written statement. Stating that an oral partition was made between Mr.Nagi Reddy and Mr.Linga Murthy Reddy and since then the parties / legal heirs of Mr.Nagi Reddy as also Mr.Linga Murthy Reddy were enjoying the properties devolved on them by virtue of the said partition, that there are number of alienations subsequent to 1963 and further that the voluminous documents filed along with the written statement would reflect that the parties are enjoying the properties devolved on them independently and there is no joint possession and enjoyment of the same. He further submits that the respondents / plaintiffs have not filed any documents to *prima facie* establish that the properties in question are joint and ancestral properties, that the learned Trial Court without adverting to any of the contentions advanced on behalf of the appellants / defendants, much less by looking into the documents filed in

support of their case, erroneously allowed the application in question and therefore, the order under challenge is not sustainable: He submits that the respondents / plaintiffs failed to discharge their burden and prove that there is a *prima facie* case, that irreparable loss and prejudice would be caused if the injunction is not granted. He also contends that the balance of convenience is not in favour of the respondents / plaintiffs and the learned Trial Court without considering the matter in the correct perspective with reference to the ingredients to be satisfied for granting interim injunction under Order 39 Rule 1 of C.P.C., and the impugned order, is therefore liable to be set aside. The learned counsel also places reliance on the decision of a co-ordinate Bench of this Court in **Bhimavarapu Nageswaramma and others v. Bommu Sivareddy and another**[1].

9. Drawing the attention of this Court to the relevant material filed along with the appeal, the learned counsel also submits that in fact, the appellants / defendants filed a petition *vide* I.A.No.918 of 2023 under Order 7, Rule 11 and Section 151 of C.P.C., seeking to reject the plaint and the docket proceedings of the learned Trial Court makes it clear that the appellants / defendants filed as many as 60 documents for marking and the learned Trial Court overlooking the said aspect, passed the order under challenge. Making the said submissions, the learned counsel seeks to allow the appeal by setting aside the impugned order.

---

[1] 2022(2) ALD 1 (AP) (DB)

10. On the other hand, the learned counsel for the respondents / plaintiffs strenuously made submissions to sustain the order of injunction. He denies the submission that an oral partition took place in the year 1963. Except pleadings, both sides have not filed any documents in the I.A., in question. He submits that the properties in question are joint family properties and if at all, some of the properties are not joint or self acquired properties or that they are not forming part of the common pool, an application can be filed to delete the said properties. At any rate, the learned counsel submits that the Trial Court has exercised its discretion and assigned cogent reasons for granting injunction and there are no grounds to interfere with the well considered order. Accordingly, he seeks dismissal of the appeal.

11. On a consideration of the rival contentions, the point that arises for adjudication is : Whether the learned Trial Court's order granting injunction is sustainable in the facts and circumstances of the case?

12. At the outset, it is to be noted that there is no dispute with regard to relationship between the parties. As seen from the plaint as also the petition averments in the I.A., in question, it is the case of the respondents / plaintiffs that the suit schedule properties are joint family properties, they are being managed by the defendants and the appellants / defendants are sharing the income derived from the plaint schedule properties till one year prior to filing of the suit. Whereas the appellants / defendants' case is that there is an oral partition which took place between Mr.Nagarlapati Nagi Reddy and Linga Murthy Reddy and as such they are enjoying their respective rights. The

learned Trial Court briefly referring to the case of the parties before it, formulated the point for determination as to whether the petitioners / plaintiffs are entitled for temporary injunction as prayed for?

13. The learned Trial Court while taking note that several averments were made in the counter opined that the contention of the defendants that some of the petition schedule properties are their exclusive properties and the petitioners / plaintiffs and respondents / defendants have been in possession and enjoyment of their respective possession itself substantiate the contention of the petitioners / plaintiffs that the petition schedule properties are joint family properties of the petitioners / plaintiffs and respondents / defendants. It also opined that if the oral partition pleaded by the respondents is not proved, the outcome is that the petition schedule properties are ancestral and joint family properties of the petitioners / plaintiffs and the respondents / defendants and accordingly granted the injunction sought for. Such a finding of the learned Trial Court, more particularly in the light of the specific case set out that too without looking into the documents available on record, is not sustainable. The Law with regard to granting of temporary injunction under Order 39 Rule 1 of C.P.C., is well settled.

14. In **Dalapat Kumar and Another v. Prahlad Singh and Others**[2], the Hon'ble Supreme Court held as follows:

> "*4*.....It is settled law that the *grant of injunction is a discretionary relief. The exercise thereof is subject to the Court satisfying that (1) there is a serious*

[2] (1992) 1 SCC 719

disputed question to be tried in the suit and that an act, on the facts before the Court, there is probability of his being entitled to the relief asked for by the plaintiff / defendant, (2) the Court's interference is necessary to protect the party from the species of injury. In other words, irreparable injury or damage would ensue before the legal right would be established at trial; and (3) that the comparative hardship or mischief or inconvenience which is likely to occur from withholding the injunction will be greater than that would be likely to arise from granting it.

5. Therefore, the burden is on the plaintiff by evidence aliunde by affidavit or otherwise that there is "a prima facie case" in his favour which needs adjudication at the trial. The existence of the prima facie right and infraction of the enjoyment of his property or the right is a condition for the grant of temporary injunction. Prima facie case is not to be confused with prima facie title which has to be established, on evidence at the trial. Only prima facie case is a substantial question raised, bona fide, which needs investigation and a decision on merits. Satisfaction that there is a prima facie case by itself is not sufficient to grant injunction. The Court further has to satisfy that non-interference by the Court would result in "irreparable injury" to the party seeking relief and that there is no other remedy available to the party except one to grant injunction and he needs protection from the consequences of apprehended injury or dispossession. Irreparable injury, however, does not mean that there must be no physical possibility or repairing the injury, but means only that the injury must be a material one, namely one that cannot be adequately compensated by way of damages. The third condition also is that "the balance of convenience" must be in favour of granting injunction. The Court while granting or refusing to grant injunction should exercise sound judicial discretion to find the amount of substantial mischief or injury which is likely to be caused to the parties, if the injunction is refused and compare it with that which is likely to be caused to the other side if the injunction is granted. If on weighing competing possibilities or probabilities of likelihood of injury and if the Court considers that pending the suit, the subject matter should be maintained in status quo, an injunction would be issued. Thus the Court has to exercise its sound judicial discretion in granting or refusing the relief of ad interim injunction pending the suit."

15. In **Shiv Kumar Chadha v. Municipal Corporation of Delhi and Others**[3], the Hon'ble Supreme Court held that "*the purpose of temporary injunction is, thus, to maintain the status quo. The Court grants such relief according to the legal principles – ex debito justitiae. Before any such order is passed, the Court must be satisfied that a strong prima facie case has been made out by the plaintiff including on the question of maintainability of the suit and the balance of convenience is in his favour and refusal of injunction would cause irreparable injury to him.*"

16. In **Bhimavarapu Nageswaramma's case** referred to supra, referring to the decision of the Hon'ble Supreme Court in **Anand Prasad Agarwalla v. Tarkeshwar Prasad** (reported in (2001) 5 SCC 568), wherein the Hon'ble Supreme Court held that when the contesting respondents were in possession as evidenced by the record of rights, it cannot be said that the such possession was by a trespasser, the learned Division Bench at Para No.26 opined as follows:

> "26. In the matter of granting temporary injunction, it is the duty of the Court to take into consideration the affidavit and the relevant documents before it records a finding. Taking into consideration the documents does not mean merely referring the same in the judgment but there must be some discussion about them before any conclusion arrived at. Unfortunately, the Court below has not adverted to the documents filed by the appellants / plaintiffs atleast *prima facie*. The interim injunction is no doubt a discretionary relief, but it has to be granted only after applying judicial mind and on a proper discussion of the evidence on record. Mere reference to the documents filed and the affidavits placed before the

[3] (1993) 3 SCC 161

Court does not satisfy the requirement of exercise of discretionary power in a judicial manner."

17. In **Maria Margarida Sequeira Fernandes and others v. Erasmo Jack De Sequeira (dead) through Lrs.**[4], the Hon'ble Supreme Court dealing with the importance of pleadings in the civil cases for grant or refusal of an injunction etc., *inter alia* held as follows:

"83. Grant or refusal of an injunction in a civil suit is the most important stage in the civil trial. Due care, caution, diligence and attention must be bestowed by the judicial officers and Judges while granting or refusing injunction. In most cases, the fate of the case is decided by grant or refusal of an injunction. Experience has shown that once an injunction is granted, getting it vacated would become a nightmare for the defendant.

84. In order to grant or refuse injunction, the judicial officer or the Judge must carefully examine the entire pleadings and documents with utmost care and seriousness. The safe and better course is to give a short notice on the injunction application and pass an appropriate order after hearing both the sides. In case of grave urgency, if it becomes imperative to grant an ex parte ad interim injunction, it should be granted for a specified period, such as, for two weeks. In those cases, the plaintiff will have no inherent interest in delaying disposal of injunction application after obtaining an ex parte ad interim injunction.

85. The court, in order to avoid abuse of the process of law may also record in the injunction order that if the suit is eventually dismissed, the plaintiff undertakes to pay restitution, actual or realistic costs. While passing the order, the court must take into consideration the pragmatic realities and pass proper order for mesne profits. The court must make serious endeavour to ensure that even-handed justice is given to both the parties.

86. Ordinarily, three main principles govern the grant or refusal of injunction:

(a) prima facie case;

(b) balance of convenience; and

(c) irreparable injury; which guide the court in this regard.

[4] (2012) 5 SCC 370

In the broad category of prima facie case, it is imperative for the court to carefully analyse the pleadings and the documents on record and only on that basis the court must be governed by the prima facie case. In grant and refusal of injunction, pleadings and documents play a vital role."

18. Thus, in the light of the above stated legal position and the uncontroverted factual position stated in the affidavit filed before this Court that several documents were filed before the Trial Court which according to the appellants / defendants that they are in exclusive possession of the properties in their own rights by virtue of the registered transactions, as also the contention that the learned Trial Court erred in not dealing with the contentions about the double entries as specifically pointed out in the counter filed by the 3rd respondent / 3rd appellant in the I.A., in question, the properties stated to have been devolved on the appellants / defendants through their grandmother Nandanamma, the details of which are set out in Para No14 of the counter, the order under challenge is liable to be set aside. The learned Trial Court, though not expected to conduct a detailed trial at the stage of considering the miscellaneous application for granting temporary injunction, it has to deal with the contentions advanced with reference to the documents placed before it to record a *prima facie* finding.

19. At this juncture, it may be pertinent to mention that the necessity of filing of relevant documents including Certificate of Encumbrance in respect of a property in dispute was discussed at length by a learned Single Judge in

Golivi Ramanamma v. Challa Lakshmi and Ors.,[5] by referring to the judgments of the Apex Court including **Maria Margarida Sequeira Fernandes's case** (referred to supra) wherein at Para Nos.69 and 71, it was held as follows:

> "69. The person averring a right to continue in possession shall, as far as possible, give a detailed particularized specific pleading along with documents to support his claim and details of subsequent conduct which establish his possession.
>
> 70.....
>
> 71. Apart from these pleadings, the court must insist on documentary proof in support of the pleadings. All those documents would be relevant which come into existence after the transfer of title or possession or the encumbrance as is claimed. While dealing with the civil suits, at the threshold, the court must carefully and critically examine the pleadings and documents."

20. The opinion expressed by the learned Single Judge at Para No.26 that insisting on the filing of the Encumbrance Certificate at the stage of numbering of the suit may arrest further delays and speed up the trial of the suit at various stages including granting of ad-interim orders is well founded. Be that as it may.

21. In the case on hand, the contention advanced on behalf of the petitioners / defendants was that the respondents / plaintiffs have not filed any documents and that several documents were filed on behalf of the defendants.

---

[5] 2025 (2) ALD 132

22. The learned Trial Court, without undertaking such an exercise, arrived at a conclusion in favour of the plaintiffs / respondents herein. The order of the learned Trial Court granting injunction without analyzing the pleadings and documents on record carefully, is not sustainable in the light of the law laid down in **Maria Margarida Sequeira Fernandes** referred to supra. Accordingly, the point is answered.

23. In the aforesaid view of the matter, the impugned order is set aside and the matter is remanded to the learned Trial Court to pass orders afresh in accordance with Law, after considering the pleadings and material on record by marking the documents, as expeditiously as possible, within a period of eight (8) weeks from the date of receipt of a copy of this order. Till appropriate orders are passed, the parties on both sides shall maintain *status quo* in respect of the subject matter properties existing as on today in all respects.

24. In the result, the appeal is allowed. No costs. Consequently, all pending applications, if any, shall stand closed.

25. Before parting with the order, it may be relevant to mention that in number of matters, the learned officers in the District Judiciary are not marking the documents at the time of considering the Interlocutory Applications. The importance of marking the documents while disposing of the applications was succinctly explained by a Division Bench of the erstwhile High Court of Andhra Pradesh at Hyderabad in **T.Bhoopal Reddy & Another v. Smt.K.R.Laxmi**

Bai & Another[6] . Another Division Bench of the erstwhile Common High Court for the State of Telangana and the State of Andhra Pradesh, dealing with the order of injunction granted by the Trial Court without marking the documents and referring to them, set aside the same with a direction to the Court below to mark the documents and dispose of the I.As., afresh after hearing both sides. The Division Bench further directed that *status quo* subsisting as on the date of the order shall be maintained, till the disposal of the I.As. (See: C.M.A.No.527 of 2017 dated 21.07.2017)

26. It is profitable to reproduce Para No.8 of the said judgment which reads thus:

> "8.Before closing these cases, we feel the necessity of observing that instances have been coming to the notice of this Court, where some Subordinate Courts have not been marking the documents while disposing of the interlocutory applications. In this context, we are reminded of a Division Bench judgment of this Court in **T.Bhopal Reddy vs. K.R.laxmi Bai [1998(1) ALT 292 (D.B.)]**, wherein it was observed that in order to come to a *prima facie* conclusion, both the trial Court and the Appellate Court should necessarily be able to locate the documents and know its contents to agree with either of the contentions; that nowhere it is envisaged that the case of the contesting parties can only be decided on the affidavits and not on any other material and that in the absence of any specific rule so far as marking of documents at the interlocutory stage is concerned, the Courts would not be justified in not giving any marking at all to such of the documents on which both sides would rely. Regrettably, despite this authoritative pronouncement of the Division Bench, some Courts have been ignoring the same and not marking the documents. The case on hand reflects one such instance. We, therefore, direct the High Court on administrative side to issue a Circular directing the Subordinate Courts to mark the documents filed by the parties to the interlocutory applications before deciding such applications."

---

[6] 1998(1) ALT 292

27. In the light of the expression of the Hon'ble Division Benches referred to supra, the Courts below while disposing of the Interlocutory Applications are required to mark the documents.

28. The Registry is directed to circulate the instructions issued in this regard to all the Courts in the District Judiciary.

SD/- S.V.S.R. MURTHY
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

One Fair Copy to the Honourable Sri Justice NINALA JAYASURYA
(For his Lordships Kind Perusal)

One Fair Copy to the Honourable Sri Justice TUHIN KUMAR GEDELA
(For his Lordships Kind Perusal)

To

1. The Registrar General, High Court of Andhra Pradesh at Amaravati.
2. The Registrar (Judicial), High Court of Andhra Pradesh at Amaravati.
3. The III Additional District Judge, Nandyal, Kurnool District.**(with records)**
4. One CC to Sri N Sriram Murthy, Advocate [OPUC]
5. One CC to Sri Sudhakara Rao Ambati, Advocate [OPUC]
6. Nine (9) L.R. Copies.
7. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi.
8. The Secretary, Andhra Pradesh High Court Advocates' Association Library, High Court Buildings, Amaravathi.
9. The Section Officer, CMA Section, High Court of Andhra Pradesh at Amaravathi.
10. The Section Officer, VR Section, High Court of Andhra Pradesh at Amaravathi.
11. Two CD Copies

TK

TAC



HIGH COURT
DATED:17/12/2025

JUDGMENT
CMA No.626 of 2025

ALLOWING THE CMA