OFFICE OF THE PRINCIPAL DISTRICT JUDGE:: KURNOOL

Dis.No. 3656 /Estt/2026 Dated 29-06-2026

Letter ROC No.587/SO/2026, dated 22-06-2026 of the Hon'ble High Court of Andhra Pradesh along with copy of Order dated 11-06-2026 in Civil Revision Petition No. 1583/2026, is herewith communicated, for information and necessary action.

All the Judicial Officers working in Kurnool District are requested to download the letter ROC No.587/SO/2026, dated 22-06-2026 of the Hon'ble High Court of Andhra Pradesh along with copy of Order dated 11-06-2026 in Civil Revision Petition No. 1583/2026, with guidelines in **Nama Ramprasad's** Case, from District Court website i.e., **https://kurnool.dcourts.gov.in.**for information and compliance of the directions issued therein.

Further, ***all the Judicial Officers working in Kurnool district are requested to acknowledge the receipt of the same to this Court without fail.***

PRINCIPAL DISTRICT JUDGE,
KURNOOL

To

1. All Judicial Officers in the Kurnool District including **Official Receiver's Court**.
2. The Secretary, District Legal Services Authority, Kurnool.

(**Sl.Nos.1 and 2 are hereby requested to communicate the same among all the Staff members of their respective Courts for information**)

Copies to:

1. The Senior Superintendent (Accounts), Principal District Court, Kurnool.
2. The Stenographer Grade-I, Principal District Court, Kurnool.
3. The Superintendent, Civil Bench Clerk, Principal District Court, Kurnool.
4. The Translator/Criminal Bench Clerk, Principal District Court, Kurnool.
5. The Superintendent, OP Cell/Copyist Establishment, Principal District Court, Kurnool.

Y.V.S.B.G. PARDHA SARADHI
REGISTRAR GENERAL

AMARAVATI
(Off) :0863 2372613
(Telefax):0863 2372631

ROC No.587/SO/2026

Dated 22.06.2026

To
All the Principal District Judges
in Andhra Pradesh.

Sir/Madam,

Sub: High Court of Andhra Pradesh – Copy of order dt.11.06.2026 in Civil Revision Petition No. 1583 of 2026 of High Court of Andhra Pradesh – Communicated – Reg.

Ref: Order dt.11.06.2026 in Civil Revision Petition No. 1583 of 2026 of High Court of Andhra Pradesh.

*****

Adverting to the subject and reference cited, as directed, I am to forward herewith copy of order dt.11.06.2026 in Civil Revision Petition No. 1583 of 2026 of High Court of Andhra Pradesh, along with the guidelines in ***Naram Ramaprasad's*** case, for causing communication of the same to all the Judicial Officers in your Unit and to the Presiding Officers of Labour Courts/Tribunals in the District working under the control of the High Court, for information and compliance of the directions issued therein.

Yours sincerely,

REGISTRAR GENERAL

Encl: As stated.

Rc. 5056
25/6/26

APHC010283462026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

THURSDAY, THE ELEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT
THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 1583 OF 2026

Petition filed under Article 227 of the Constitution of India, aggrieved by the Docket Order dated 01.05.2026 passed in the I.A. No. 294 of 2026 in O.S. No. 29 of 2026 on the file of the Principal Civil Judge (Senior Division), Kurnool.

Between:

Tirumala Sundara J.C.Nath, S/o. T.R.Sundara Rajan, Aged 68 years, Occ: Retd. Principal, A.P. Residential School, Door No. 87/1367-D, Maruthi Nagar, Opposite Vartha Office, Kurnool - 518 002

...Petitioner/Plaintiff/Petitioner

AND

Kottam Ayyanna, S/o. K.Subbanna, aged 66 years, H.No.49/50-87-5-8-12, Laxmi Nagar, Kurnool-518 002.

...Respondent/Defendant/Respondent

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 dispense with the filing of certified copy of the docket order dated 01.05.2026 in I.A. No.294 of 2026 in OS No. 29 of 2026 on the file of the Hon'ble

for. 5056
27/6/26

Principal. Senior Civil Judge, Kurnool pending disposal of the above Civil Revision Petition.

IA NO: 2 OF 2026

Petition filed under Order 39 Rule 1 & 2 R/w 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 grant ad-interim injunction restraining the Defendant/Respondent, his men or his agents from interfering with my peaceful possession of me over the petition schedule House Plot No. 55, 56, 57 and 58 in LP No.319/82 file 3781/82/D5 , RDT No.65/82 in Sy. No. 660/C in Kallur Village Limits, Kurnool Rural Mandal, Kurnool District.

Counsel for the Petitioner : SRI VARUN BYREDDY

Counsel for the Respondent : --

The Court made the following ORDER :

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

CIVIL REVISION PETITION No.1583 of 2026

Between:

TIRUMALA SUNDARA J.C. NATH, S/O. T.R. SUNDARA RAJAN, AGED 68 YEARS, OCC RETD. PRINCIPAL, A.P. RESIDENTIAL SCHOOL, DOOR NO. 87/1367-D, MARUTHI NAGAR, OPPOSITE VARTHA OFFICE, KURNOOL - 518 002

...PETITIONER

AND

KOTTAM AYYANNA, S/o. K.SUBBANNA, aged 66 years, H.No.49/50-87-5-8-12, Laxmi Nagar, Kurnool-518 002.

...RESPONDENT

DATE OF ORDER PRONOUNCED : **11.06.2026**

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

1. Whether Reporters of Local Newspapers may be allowed to see the order? : Yes/No
2. Whether the copy of order may be marked to Law Reporters/Journals? : Yes/No
3. Whether His Lordship wish to see the fair copy of the order? : Yes/No

* HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

+ CIVIL REVISION PETITION No.1583 of 2026

% 11.06.2026

CIVIL REVISION PETITION No.1583 of 2026

Between:

TIRUMALA SUNDARA J.C. NATH, S/O. T.R. SUNDARA RAJAN, AGED 68 YEARS, OCC RETD. PRINCIPAL, A.P. RESIDENTIAL SCHOOL, DOOR NO. 87/1367-D, MARUTHI NAGAR, OPPOSITE VARTHA OFFICE, KURNOOL - 518 002

...PETITIONER

AND

KOTTAM AYYANNA, S/o. K.SUBBANNA, aged 66 years, H.No.49/50-87-5-8-12, Laxmi Nagar, Kurnool-518 002.

...RESPONDENT

! Counsel for Petitioner : Sri Varun Byreddy

^ Counsel for Respondent : --

< Gist:

> Head Note:

? Cases referred:

1) 2022 SCC OnLine AP 3240
2) (2011) 8 SCC 249
3) (2015) 1 ALD 465 : (2015) 3 ALT 476

This Court made the following:

APHC010283462026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3331]**
(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 1583/2026

Between:

1. TIRUMALA SUNDARA J.C. NATH, S/O. T.R. SUNDARA RAJAN, AGED 68 YEARS, OCC RETD. PRINCIPAL, A.P. RESIDENTIAL SCHOOL, DOOR NO. 87/1367-D, MARUTHI NAGAR, OPPOSITE VARTHA OFFICE, KURNOOL - 518 002

...PETITIONER

AND

1. KOTTAM AYYANNA, S/o. K.Subbanna, aged 66 years, H. No. 49/50-87-5-8-12, Laxmi Nagar, Kurnool-518 002.

...RESPONDENT

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to declare the action of the Trial Court in ordering urgent notice by way of its docket order dated 01.05.2026 in the I.A. No. 294 of 2026 in OS No.29 of 2026 pending on the file of the Hon'ble Prl. Senior Civil Judge, Kurnool without there being any reason and not properly appreciating the urgency explained by the Petitioners and consequently order for Injunction as sought for by the Petitioners in I.A. No. 294 of 2026 in OS No. 29 of 2026 on the file of the Hon'ble Prl. Senior Civil Judge, Kurnool and pass

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 dispense with the filing of certified copy of the docket order dated 01.05.2026 in I.A. No.294 of 2026 in OS No. 29 of 2026 on the file of the Hon'ble Principal Senior Civil Judge, Kurnool pending disposal of the above Civil Revision Petition and pass

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 to grant ad-interim injunction restraining the Defendant / Respondent, his men or his agents from interfering with my peaceful possession of me over the petition schedule House Plot no.55, 56, 57 and 58 in LP No.319/82 file 3781/82/D5 , RDT No.65/82 in Sy No.660/C in Kallur Village Limits, Kurnool Rural Mandal, Kurnool District; and pass

Counsel for the Petitioner:

1. VARUN BYREDDY

Counsel for the Respondent:

1.

The Court made the following:

ORDER

The plaintiff in the suit filed the above revision under Article 227 of the Constitution of India, complaining adjourning of I.A.No.294 of 2026 in O.S.No.29 of 2026 on the file of the Civil Judge (Senior Division), Kurnool, by a docket order dated 01.05.2026 to 03.07.2026, while ordering urgent notice on payment of process.

2. Parties to this revision are referred to as per their array in the suit as plaintiff and defendant.

3. Since no adverse order is passed affecting the right and interest of the respondent herein, the defendant in the suit, this Court deems it appropriate to dispense with ordering notice and accordingly dispended with. Indeed, this court is not going to the merits, as pleaded in the plaint or affidavit filed in support of the interlocutory application, except for referring to the same, in brief, to know the gamut of the issue.

4. Plaintiff filed the suit O.S.No.29 of 2026 seeking a declaration of title and consequential permanent injunction in respect of the suit schedule property, against the defendant and also to declare the registered document No.4266 of 2025, dated 17.04.2025 executed by the K.Venkateswarlu in favour of K.Ayyanna (defendant), as null, void and does not bind the plaintiff.

5. As seen from the Case Status Information filed along with the revision, the suit was filed on 27.04.2026 and registered on 01.05.2026.

6. a) Along with the suit, an interlocutory application was filed seeking an *ad-interim* injunction. In the affidavit filed in support of I.A.No.294 of 2026, it was pleaded, *inter alia*, that the plaintiff is the absolute owner of the Plot Nos.55, 56, 57 and the western half of Plot NO.58 in layout bearing L.P.No.319/1982, file No.3871/82/D.5 in RDT No.65/82 in S.No.660/C of Kallur and S.No.96 & 97 of Joharapuram. The plaintiff purchased the aforementioned plots under a registered document No.4272 of 1993 dated 24.07.1993 from T.M.M.Sarma. The plaintiff and his wife, a retired Deputy Collector from the Revenue Department, constructed a house in Plot No.55 in the year 2004 and have been residing therein. In the remaining 2½ plots i.e. Plot No.56, 57 and the western half of Plot No.58, they raised horticulture plants. A compound wall was constructed with Napa stones around the vacant plots i.e.

northern, southern and eastern sides of Plot No.58. The eastern half of Plot No.58 is owned by A.Bala Ramudu.

b) The defendant, along with his men, attempted to dispossess the plaintiff and A.Bala Ramudu from Plot No.58 on 12.06.2025, stating that he purchased the same under a registered document No.4266 of 2025 dated 17.04.2025 from K.Venkateswarlu. The plaintiff, along with family members, resisted the said attempt. The plaintiff and A.Bala Ramudu gave a complaint to the police, and the III Town Police Station, Kurnool, registered a crime vide Crime No.193 of 2025.

c) Again on 13.11.2025, the defendant attempted to dispossess the plaintiff from the western half of Plot No.58 and the same was resisted by the plaintiff. In the said process, the defendant abused the wife of the plaintiff, and hence, they gave a complaint to III Town Police Station, Kurnool and the same was registered as Crime No.473 of 2025. Again, the defendant attempted to interfere with the property on 09.04.2026.

d) In the plaint, it was pleaded about an earlier litigation; however, as indicated supra, this court is not going to the merits of the issue and the same was not extracted herewith.

7. As noted *supra*, the suit was filed on 27.04.2026 and registered on 01.05.2026. I.A.No.294 of 2026 is filed under Order XXXIX, Rules 1 & 2 and Section 151 of CPC for the grant of *ad-interim* injunction. The trial Court passed the following docket order:

"Issue urgent notice on payment of process on 03.07.2026."

8. Thus, the trial Court adjourned the I.A. filed seeking an *ad-interim* injunction while ordering urgent notice on payment of process on 03.07.2026 beyond 60 days.

9. **Whether adjourning the I.A.No.296 of 2026 filed seeking a grant of ad-interim injunction, while ordering urgent notice beyond two months, is legally permissible?**

10. Order XXXIX Rule 1 of CPC outlines the cases in which a temporary injunction may be granted. The first limb of Order XXXIX Rule 3 of CPC stipulates the issuance of notice to the opposite party except where it appears that the object of granting the injunction would be defeated by delay, before the grant of the injunction. It is appropriate to extract Order XXXIX Rule 1 as substituted by Andhra Pradesh amendment and the first limb of Order XXXIX Rule 3, which reads thus:

> **1. Cases in which temporary injunction may be granted**.—
> Where in any suit it is proved by affidavit or otherwise—
>
> (*a*) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, or
>
> (*b*) that the defendant threatens, or intends, to remove or dispose of his property with a view to defrauding his creditors,
>
> (*c*) that the defendant threatens to dispossess the plaintiff or otherwise cause injury to the plaintiff, the Court may by order grant a temporary injunction to restrain such act, or make such other order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property [or dispossession of the plaintiff,

or otherwise causing injury to the plaintiff in relation to any property in dispute in the suit] as the Court thinks fit, until the disposal of the suit or until further orders.

The first limb of Order XXXIX Rule 3:

3. Before granting injunction, Court to direct notice to opposite party.—The Court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party:

11. Thus, a plain reading of the provisions, it would discern the circumstances wherein an ad-interim injunction be granted and where a notice is to be ordered. The object of ad-interim injunction is the preservation of the property in dispute till legal rights are conflicting claims of the parties before the Courts are adjudicated. It is a relief granted to the party to prevent any injury. It is only provisional in nature and it does not conclude the rights of the parties. Order XXXIX Rule 1 of CPC has been made with an intention to preserve the property as it is, when any property in dispute in a suit, is in danger of being damage by any party to the suit or defendant intends to remove or dispose of the property with a view to defraud the creditors or when the defendant threatens to dispossess the plaintiff etc.

12. Of course, the plaintiff must establish the prima facie case, balance of convenience and irreparable loss, that trinity, *sine qua non* for the grant of either an interim injunction or temporary injunction. If any injunction application is adjourned beyond a reasonable time, the very purpose of filing such an application will be frustrated or defeated.

13. The delay in disposing of a matter is a serious concern. Many a time, the learned trial courts, for the reasons best known, like the one in the case at hand, adjourn the I.As., to a longer date, which will definitively cause injustice to a party. It is for the Court to pass appropriate orders based on the material placed before it. When the trial court fails to perform its obligation, this court, while exercising the jurisdiction under Article 227 of the Constitution of India, can issue such direction or directions to dispose of such application as expeditiously as possible.

14. In **Nama Ramprasad Vs. Kristam Reddy Raju**[1], this Court, by placing reliance on the judgment of the Hon'ble Apex Court in **Ramrameshwari Devi Vs. Nirmala Devi**[2], in an identical issue i.e. non-disposal of the injunction application, observed as follows:

> "**20.** Thus, keeping in view the expression of the Hon'ble Apex Court:
>
> **a)** Whenever the Courts ordered urgent notice in interlocutory applications seeking ad-interim or ex parte interim injunctions, if necessary, permit the petitioners to take out notice, by way of registered post or courier service, in person as contemplated under Order 5 Rule 9 or through an advocate commissioner.
>
> **b)** Once an urgent notice is ordered, the Court shall not adjourn the i.A. beyond fifteen days.
>
> **c)** .....,
>
> **d)**.....
>
> **e)** However, at any rate, the court shall not adjourn the I.A. beyond the time mentioned above to file a counter. If a counter is not filed within the time mentioned supra, the Court can proceed to dispose of the matter with the material available on record, forfeiting the

[1] 2022 SCC OnLine AP 3240
[2] (2011) 8 SCC 249

right to file a counter. Courts below shall consider provisions of Order VIII Rule 10, Order XVII Rule 2 and 3 read with Sec 141 of the Code of Civil Procedure.

f) Courts shall keep in mind the time fixed under Order XXXIX Rule 3-A CPC to dispose of Injunction Applications even where ***urgent notice is ordered.***

g) .....
h) .....
i) .....
j) .....

15. In fact, the learned Registrar (Judicial) circulated a copy of the order to all the presiding officers in the State.

16. A learned single Judge of the composite High Court of Andhra Pradesh in **K.Vijaya Lakshmi Vs. G.Nageshwara Reddy and others**[3], in a case where the trial Court issued an urgent notice in an application filed under Order XXXIX Rule 1 and 2, observed thus:

> "The learned Principal Junior Civil Judge is directed to issue notice to the respondents or their counsel and advance the matter to any date within a period of seven (7) days from the date of receipt of a copy of this order and hear the matter within a period of seven (7) days thereafter and pass appropriate orders in accordance with law."

17. Thus, in the considered opinion of this Court, the docket order dated 01.5.2026, passed by the learned trial Court adjourning the I.A, by two months, suffers from illegality and irregularity, which warrants

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[3] (2015) 1 ALD 465 : (2015) 3 ALT 476

interference by this Court while exercising the jurisdiction under Article 227 of the Constitution of India.

18. The other aspect of the issue is **whether, while ordering urgent notice, the trial Court is justified in adjourning the I.A. beyond two months?**

19. To answer this query, let this court examine the relevant provisions of the Process Fee Rules 1965. The Process Fee Rules, 1965 (for short "**the Rules**") govern the payment of process in a Court proceeding. These rules were framed in exercise of powers conferred under Section 75 (1) of the A.P. Court Fee and Suits Valuation Act, 1956.

20. Rule 3 of the Rules prescribes the process Fee payable at the rates specified in the Schedule for serving and executing processes issued by the High Court and the Civil Courts subordinate thereto. Rule 3(3) prescribes payment of a higher fee whenever an urgent notice is ordered. The relevant rule is extracted herewith:

> (3) For processes applied for and ordered to be executed as emergent fee shall be one and a half times the fees chargeable under sub-rules (1) and (2) above.

21. Rule 4 of the Rules outlines the time for payment of the process fee. The said rule mandates payment of the process fee within three days or the time fixed by the Court, except for certain Rules i.e. 32, 49, 49-A, 144 and 187 of the Civil Rules of Practice. Normally, whenever an urgent notice is ordered, the Court endorses the urgent notice through the Court and Registered Post/Speed Post or Courier Service. In the case at hand, it was noted as "Issue urgent notice on payment of process on 03.07.2026."

22. Whenever the litigant is directed to pay in terms of Rule 3(3) of the Rules, the Superintendent of Nazarath gives a 'Red' mark to the said process/cover, thereby giving priority to its service. Having directed the litigant to pay process more than the normal process fee, while issuing an urgent notice, whether adjourning the I.A. beyond a reasonable period, the answer would be an emphatic 'No'.

23. What is a reasonable time, which is not defined anywhere, depends on a case-by-case. Sometimes, upon payment of an urgent process, the process server would serve the notice in three days. In some cases, it may take a longer time. Sometimes, even the learned counsel requests to grant permission to take out summons by invoking Order 5 Rule 9 CPC. Now, after the introduction of new technology, service of process is being done through the National Service and Tracking of Electronic Processes (NSTEP), one of the effective and proper services. Even the service of summons by email is also in vogue.

24. Given this scenario, the approach of the learned Officers in casually adjourning the I.As filed, seeking an *ad-interim* injunction, like the case at hand, will defeat the very purpose of filing the application. The confidence reposed by the public in the institution shall not be shattered.

25. When the provision is incorporated in the CPC for the grant of an *ad-interim* injunction, even before issuing notice, if the petitioner satisfies imminent urgency, of course, on being satisfied, the Trinity Test, the Courts shall pass appropriate orders. Whenever the Court orders an urgent notice, the I.A. should be adjourned to a shorter date, keeping in view the urgency. The reasonable shortest date should be 10 to 15 days, depending upon the facts of each case. In some cases, within 7 days

also. The said discretion available with the Court shall be exercised to meet the ends of justice. At any rate, as indicated *supra*, it shall not be beyond 15 days.

26. In this case on hand, this Court, through the learned Registrar (General), verified the service of notice on the defendant. The Registrar General, in turn, informed that the notice was served on the defendant by 17.05.2026. This Court deems it appropriate, as a caution, to advise the learned Trial Courts not to adjourn the I.A., to a longer date whenever an urgent notice is ordered.

27. Further, this Court by order, dated 04.06.2026 directed the Registrar (General) to communicate this order to the learned Principal District Judge, Kurnool enabling the learned Principal District Judge, Kurnool to submit a report by the next date of hearing. According, report is furnished by the learned Principal District Judge, Kurnool.

28. As seen from the report submitted by the learned Principal District Judge, Kurnool, the docket order, dated 01.05.2026 was passed by Sri P.Divakar, Additional Civil Judge (Senior Division), Kurnool, in the capacity of the Full Additional Charge (FAC) of the post of the Principal Civil Judge (Senior Division), Kurnool, during the leave period of Smt. T.Malleswari, learned Principal Civil Judge (Senior Division), Kurnool.

29. The Registrar (General / Judicial) shall call for a report from Sri P.Divakar, Additional Civil Judge, (Senior Division), Kurnool, presently holding the post of VIII Additional Chief Judicial Magistrate-cum-Additional Civil Judge (Senior Division), Vijayawada, Krishna District, regarding adjourning I.A.No.294 of 2026 by two months, while ordering urgent notice and place the report before this Court.

30. Given the discussion *supra*, the Civil Revision Petition is disposed of directing the learned Civil Judge (Senior Division), Kurnool, to advance the hearing of I.A.No.294 of 2026 in O.S.No.29 of 2026, *suo moto*, by putting the parties on notice as expeditiously as possible from the reopening of the Court after Summer Vacation, 2026. While disposing of the I.A., the trial Court shall adhere to the guidelines in **Nama Ramaprasad's** case.

31. The learned Registrar (Judicial) shall circulate a copy of this order, along with the guidelines in **Nama Ramaprasad's** case, to all the District Heads. The learned District Heads, in turn, circulate the same to the all the learned presiding officers.

32. The learned Registrar (Judicial) shall also forward a copy of the same to the learned Judicial Academy.

33. No order as to costs.

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

SD/- SK.MOHAMMED RAFI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

One Fair Copy to the Honourable Sri Justice Subba Reddy Satti
(For his Lordships Kind Perusal)

1. The Registrar General High Court of A.P.
2. The Registrar (Judicial), High Court of A.P.
3. The Director, Andhra Pradesh Judicial Academy, Near Murugan Hotel, Kaza, Mangalagiri, Guntur, Guntur District – 522503.
4. The Principal Civil Judge (Senior Division), Kurnool, Kurnool District.
5. One CC to Sri Varun Byreddy, 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. Two CD Copies
   GPC
   TAC

Note: (Suo-motu) : A Typographical mistake occurred in the name of the citation which was mentioned as "Naram Ramprasad"s" case instead of "Nama Ramprasad"s" case at page12 in para 31 of the order dated 11/06/2026 in CRP No.1583 of 2026, which is rectified Substitute this amended order in the place of earlier order which was dispatched on 17/06/2026

SD/- SK.MOHAMMED RAFI
DEPUTY REGISTRAR

HIGH COURT

DATED: 11/06/2026

AMENDMENT ORDER

CRP NO. 1583 OF 2026

DISPOSING OF THIS CIVIL REVISION PETITION

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

****

CIVIL REVISION PETITION No.2693 of 2022

Between:

Nama Ramaprasad, S/o. Kanakamaiah,
aged 40 years, Cultivation and business,
R/o.D.No.1/509-A3,Mudigubba Village,
Satya Sai District.

... Petitioner/Plaintiff

Versus

Kristam Reddy Raju, S/o.Suryanarayana,
Aged about 31 years, Occ: Fertilizer business,
R/o.Door No.17/3395 Main Road, Mudigubba Village, Post and Mandalam, Sree Satya Sai District.

... Respondent/Defendant

DATE OF ORDER PRONOUNCED : **29.12.2022**

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

1. Whether Reporters of Local Newspapers may be allowed to see the order? : Yes/No

2. Whether the copy of order may be marked to Law Reporters/Journals? : Yes/No

3. Whether His Lordship wish to see the fair copy of the order? : Yes/No

SUBBA REDDY SATTI, J

*** HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

+ CIVIL REVISION PETITION No.2693 of 2022

% 29.12.2022

CIVIL REVISION PETITION No.2693 of 2022:

Nama Ramaprasad, S/o. Kanakamaiah,
aged 40 years, Cultivation and business,
R/o.D.No.1/509-A3,Mudigubba Village,
Satya Sai District.

... Petitioner/Plaintiff

Versus

Kristam Reddy Raju, S/o.Suryanarayana,
Aged about 31 years, Occ: Fertilizer business,
R/o.Door No.17/3395 Main Road, Mudigubba Village, Post and Mandalam, Sree Satya Sai District.

... Respondent/Defendant

! Counsel for Petitioner : Smt. P.Padmavathi

^ Counsel for Respondents : ---

< Gist:

> Head Note:

? Cases referred:

1) (2011) 8 SCC 249

This Court made the following:

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION No.2693 of 2022

Between:

Nama Ramaprasad, S/o. Kanakamaiah,
aged 40 years, Cultivation and business,
R/o.D.No.1/509-A3,Mudigubba Village,
Satya Sai District.

... Petitioner/Plaintiff

Versus

Kristam Reddy Raju, S/o.Suryanarayana,
Aged about 31 years, Occ: Fertilizer business,
R/o.Door No.17/3395 Main Road, Mudigubba Village, Post and Mandalam, Sree Satya Sai District.

... Respondent/Defendant

Counsel for the Petitioner : Smt. P.Padmavathi

Counsel for Respondent : --

ORDER:

Plaintiff in the suit filed the above Revision under Article 226 of the Constitution of India seeking expeditious disposal of I.A.No.782 of 2022 in O.S.No.551 of 2022 on the file of Principal Junior Civil Judge, Kadiri.

2. Plaintiff filed suit in O.S.No.551 of 2022 on the file of the Principal Junior Civil Judge, Kadiri seeking permanent injunction against the defendant in the suit. Plaint was

presented on 22.08.2022 and the same was registered on 23.08.2022. Along with the plaint, I.A.No.782 of 2022 was filed under Order XXXIX Rules 1 and 2 CPC for grant of temporary injunction. The said interlocutory application was heard by the presiding officer on 23.08.2022 and adjourned the matter to 24.08.2022. On 24.08.2022, urgent notice was ordered to the respondent, and it was adjourned to 08.09.2022.

3. On 08.09.2022, vakalath was filed on behalf of defendant, in office, and hence the matter was adjourned to 28.09.2022. On 28.09.2022, counter was not filed and at request it was adjourned to 01.12.2022. Thus, interlocutory application was adjourned beyond 60 days.

4. Since, I.A. was adjourned to 01.12.2022 from 28.09.2022, petitioner/plaintiff filed I.A.No.970 of 2022 in I.A.No.782 of 2022 under rule 109 (2) of Civil Rules Practice to advance I.A.No.782 of 2022 from 01.12.2022. The said I.A.No.970 of 2022 was filed on 12.10.2022.

5. I.A.No.970 of 2022 was adjourned for filing of counter to 17.10.2022. Counter was filed on 17.10.2022. I.A. was

adjourned to 27.10.2022 for enquiry. Again, matter was adjourned from 27.10.2022 to 01.12.2022 and from 01.12.2022 to 29.12.2022.

6. Seeking expeditious disposal of I.A.No.782 of 2022, the above revision is filed. Since, no order in the suit is under challenge, notice to respondent is dispensed with.

7. The suit itself is filed for permanent injunction and I.A is filed for temporary (*ad-interim*) injunction. The Trial Court initially ordered urgent notice, however, when vakalat was filed on 08.09.2022, trial Court could have insisted to file counter so that I.A would be decided as expeditiously as possible.

8. Justice delayed is justice denied is an established principle of law.

9. An Injunction is a Judicial process, whereby, a party is required to do, or to refrain from doing, any particular act. It is a remedy in the form of an Order of the Court addressed to a particular person/persons be it corporate or individual that either prohibits him from doing or continuing to do a particular act or orders to carry out a certain act.

10. Objective of ad-interim/exparte/temporary injunction is preservation of property in dispute till legal rights and conflicting claims of the parties before the courts are adjudicated. It is a relief granted to the party to prevent it from any injury. It is only provisional in nature. It does not conclude rights of the parties. Operation of order will be in force till hearing of interlocutory application.

11. If an injunction application (interlocutory application) is kept pending for considerable time without disposing of the same, the very purpose of filing of interlocutory application is being frustrated or defeated. As stated supra the primary objective of ad-interim or exparte injunction is to maintain and preserve the existing state of things at the time of institution of proceedings and to prevent any change until the final determination of the application or the suit. It is a relief granted to the party to prevent it from any injury.

12. As seen from the docket proceedings in the case on hand, I.A. 782 of 2022 was filed for grant of ad-interim/exparte injunction. Court below ordered urgent notice and later after filing of vakalat, adjourned I.A. from 28.09.2022 to 01.12.2022 and so on. Thus, by virtue of long

adjournment, the very purpose of filing of I.A. is frustrated or defeated.

13. The irony of petitioner doesn't stop at there. When the petitioner filed I.A.No.970 of 2022 seeking to advance I.A.No.782 of 2022, in spite of filing counter, I.A.No.970 of 2022 is being adjourned from time to time. In fact, as observed *supra* counter was filed on 17.10.2022.

14. Delay in disposal of the matter is a serious concern and expeditious disposal of cases is a fundamental right guaranteed under Article 21 of the Constitution of India. When the Court below failed to perform its obligation, this Court while exercising power under Article 227 of the Constitution of India can issue such direction to dispose of such application as expeditiously as possible.

15. It is pertinent to mention here that in the 4th Century B.C. Greek philosopher Socrates said that there are four qualities required in a Judge, to hear courteously, to answer wisely, to consider soberly and to decide impartially. Dispensation of justice is an attribute of God. Blessed is those on whom that Godly assignment has befallen. Still blessed are

those who acquit themselves of such assignment with pride, dignity and honour.

16. The qualities of a good Judge include patience, wisdom, courage, firmness, alertness, incorruptibility and the gifts of sympathy and insight. In a democracy, a judge is accorded great respect by the state as well as its citizens. Judge is not only permitted to assert his/her freedom and impartiality but also expected to use all his forensic skill to protect the rights of the individual against arbitrariness. Though such a state of affairs makes it easy for the judge to exercise his/her functions, he/she still requires many qualities to perform his duties effectively.

17. Justice delayed is justice denied, at the same time, it is to be remembered that absolute substantial justice without quality would be disastrous. The elements of judiciousness, fairness, equality and compassion cannot be allowed to be sacrificed at the altar of expeditious disposal. But justice must be imparted and justice cannot be hurried to be buried.

18. This Court, in fact, constrained to make the above observation since this Court come across number of civil revision petitions filed in day in and day out complaining non disposal of interlocutory applications specially injunction applications. In some cases, where ad-interim/exparte injunction is granted, the petitioner/s taking advantage of injunction is procrastinating the proceedings so have the benefit of exparte injunction. The other cases, like one, in this case on hand, where urgent notice is ordered, respondent/s is taking time without filing counter and thus the Court is not able to dispose of the applications. In some cases, the learned presiding officers are being confused by using the words temporary injunction even when ad-interim/exparte injunctions are granted. One should not forget the difference between ad-interim injunction and temporary injunction. The difference between an ad-interim injunction and temporary injunction is that in the former, injunction will be granted initially in the petition while ordering notice to operate immediately continue till the disposal of the petition. In the latter, injunction granted earlier continues till disposal of the suit.

19. In fact, the Hon'ble Apex Court in **Ramrameshwari Devi Vs. Nirmala Devi** [1] the Hon'ble Apex Court observed as follows:

> "4. This is a classic example which abundantly depicts the picture of how the civil litigation moves in our courts and how unscrupulous litigants (appellants in this case) can till eternity harass the respondents and their children by abusing the judicial system
>
> ...
>
> 32. Dr. Arun Mohan, learned amicus curiae, has written an extremely useful, informative and unusual book, Justice, Courts and Delays. This book deals with the main causes of delay in administration of justice. He also suggested some effective remedial measures. We would briefly deal with the aspects of delay in disposal of civil cases and some remedial measures and suggestions to improve the situation. According to our considered view, if these suggestions are implemented in proper perspective, then the present justice delivery system of civil litigation would certainly improve to a great extent.
>
> ...
>
> 33. According to the learned author, 90% of our court time and resources are consumed in attending to uncalled for litigation, which is created only because our current procedures and practices hold out an incentive for the wrong-does. Those involved receive less than full justice and there are many more in the country, in fact, a

[1] (2011) 8 SCC 249

grated number than those involved who suffer injustice because they have little access to justice, infact, lack of awareness and confidence in the justice system.

....

34..... in our legal system, uncalled for litigations gets encouragement because our courts do not imposte realistic costs. The parties raise unwarranted claims and defences and also adopt obstructionist and delaying tactics because the courts do not impose actual or realistic costs..... unless, the cours, by appropriate orders or directions remove the cause for motivation or the incentive, uncalled for litigation will continue to accure...

38..... unfortunately, our courts are flooded with these cases because there is an inherent profit for the wrong-doers in our system.

....

40. while granting ad interim-injunction or stay order the court must record undertaking from the plaintiff or the petitioner that he will have to pay mense profits at the market rate and costs in the event of dismissal of interim application and the suit.

....

46. Usually the court should be cautious and extremely careful while granting exparte ad interim injunctions. The better course for the courts is to give a short notice and, in some cases, even dasti notice, hear both the parties and then pass suitable biparte orders. Experience reveals that ex-parte interim injunctions orders in some

cases can create havoc and getting them vacated or modified in our existing judicial system is a nightmare. Therefore, as a rule, the court should grant interim injunction or stay order only after hearing the defendants or respondents and in case the court has to grant ex-parte injunction in exceptional cases then while granting injunction it must record the in the order that if the suit is eventually dismissed, the plaintiff or petitioner will have to pay full restitution, actual or realistic costs and mesne profits.

....

47. if an expearte injunction is granted, then in that case an endeavour should be made to dispose of the application for injunction as expeditiously as may be possible, preferably as soon as the defendant appears in the court.

....

48. It is also a matter of common experience that once an ad interim injunction is granted, the plaintiff or the petitioner would make all efforts to ensure that injunction continues indefinitely. The other appropriate order can be to limit the life of exparte injunction or stay order for a week or so because in such cases the usual tendency of unnecessarily prolonging the matters by the plaintiffs or the petitioners after obtaining exparte injunction order or stay orders may not find encouragement."

20. Thus, keeping in view the expression of the Hon'ble Apex Court:

a) whenever the Courts ordered urgent notice in interlocutory applications seeking ad-interim or exparte interim injunctions, if necessary, permit the petitioners to take out notice, by way of registered post or courier service, in person as contemplated under Order 5 Rule 9 or through an advocate commissioner.

b) Once urgent notice is ordered Court shall not adjourn the I.A. beyond fifteen days.

c) Once notice is served on respondent/respondents, the respondent/respondents shall file counter within seven days thereafter. However, basing on the exigency the court may extend the time not more than two times; each time not more than seven days by recording reasons. In such a state of affairs the Court shall insist undertaking of the respondent and on any reasonable terms to mitigate the problem of petitioner.

d) If the respondent/respondents, in spite of service of notice, fails to file counter, the Court in the interest of

justice shall pass necessary orders till filing of the counter, keeping in view, the urgency of the matter.

e) However, at any rate court shall not adjourn the I.A. beyond time mentioned above to file counter. If counter is not filed within the time mentioned supra, the Court can proceed to dispose of the matter with the material available on record, forfeiting the right to file counter. Courts below shall consider provisions of Order VIII Rule 10, Order XVII Rule 2 and 3 read with Sec 141 of Code of Civil Procedure.

f) Courts shall keep in mind the time fixed under Order XXXIX Rule 3-A CPC to dispose of Injunction Applications even where urgent notice is ordered.

g) While passing exprate orders, court shall keep in mind the material and the circumstances and pass orders judiciously strictly in accordance with law and also direct the petitioners to file affidavit or deposit security as contemplated under Order XXXIX Rule 3-A CPC (Andhra Pradesh State Amendment)

h) Whenever an interlocutory petition is filed under Rule 109(2) of Civil Rules of Practice, Rule 57 of Civil Rules of Practice provides for advance notice. If advance notice is given as contemplated under Rule 57 of Civil Rules of Practice, the application shall be considered on the next working day ensuring intimation or notice to all opposite parties. In other cases, the advancement applications shall be disposed of within 7 days subject to service of notice petition on all the respondents.

i) The observations made above are only illustrative and Courts shall follow the same basing on facts of each case.

j) The guidelines referred to supra should be complied in letter and spirit by all the stake holders i.e. the bar and bench to avoid procrastination of proceedings.

k) The Registrar (Judicial) shall communicate this order to all the presiding officers.

21. In this background of the affairs, trial Court is directed to dispose of I.A.No.782 of 2022 in O.S.No.551 of 2022 on the file of Principal Junior Civil Judge, Kadiri within a period of four

weeks from the date of receipt of a copy of this order, strictly in accordance with law.

22. With the above direction, this civil revision petition is disposed of. No costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

SUBBA REDDY SATTI, J

Date: 29.12.2022

Note: LR Copy to be marked
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HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION No.2693 of 2022

Date: 29.12.2022

Note: LR Copy to be marked
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