OFFICE OF THE PRINCIPAL DISTRICT JUDGE:: KURNOOL

Dis.No. 4936 /Estt/2026 Dated 25-08-2026

Circular No.08/2026, dated 20-08-2026 with regard to Order, dated 16-10-2025 in Miscellaneous Application No. 1889-1891 of 2025 in Civil Appeals No. 3640-3642 of 2025 of the Hon'ble Supreme Court of India – Directed all the High Court to evolve procedure and guide their respective District Judiciary for effective and expeditious disposal of the Execution Petitions which are pending as on date-Guidelines/suggestions framed by the Hon'ble High Court of Andhra Pradesh for early disposal of Execution Petitions, is herewith communicated, for strict compliance.

All the Judicial Officers working in Kurnool District are requested to download the Circular No.08/2026, dated 20-08-2026 with regard to Order, dated 16-10-2025 in Miscellaneous Application No. 1889-1891 of 2025 in Civil Appeals No. 3640-3642 of 2025 of the Hon'ble Supreme Court of India, from the District Court website i.e., website i.e.,**https://kurnool.dcourts.gov.in**., for information and strict compliance of the directions issued therein.

All the Judicial Officers are requested to submit the compliance report after downloading the above copy without fail.

PRINCIPAL DISTRICT JUDGE,
KURNOOL.

To,

All the Judicial Officers in Kurnool District including Official Receiver's Court.

The Secretary, District Legal Services Authority, Kurnool.

Copy to

The Civil Bench Clerk, Principal District Court, Kurnool.

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

HIGH COURT OF ANDHRA PRADESH:: AMARAVATI

ROC.No.208/SO/2025 **Date: 20.08.2026**

DISTRICT & SESSIONS COURT
24/8/2026
24 AUG 2026
CHIEF ADMN OFFICER
KURNOOL-518 001

CIRCULAR NO. 08 /2026

Sub: High Court of Andhra Pradesh – Order dt.16.10.2025 in Miscellaneous Application No. 1889-1891 of 2025 in Civil Appeal NOs. 3640-3642 of 2025 of Hon'ble Supreme Court of India – Directed all the High Court to evolve procedure and guide their respective District Judiciary for effective and expeditious disposal of the Execution Petitions which are pending as on date – Guidelines/suggestions framed by the High Court of Andhra Pradesh for early disposal of Execution Petitions – Communicated for strict compliance – Reg.

Ref:
1. Judgment dated 06.03.2025 of Hon'ble Supreme Court in Civil Appeal Nos. 3640-3642 of 2025 –Disposal of execution petitions by the Executing Courts within six months – Certain instructions – Issued –Reg.
2. Order dt.16.10.2025 in Miscellaneous Application No. 1889-1891 of 2025 in Civil Appeal NOs. 3640-3642 of 2025 of Hon'ble Supreme Court of India.

* * *

The attention of all the Unit Heads of District Judiciary in Andhra Pradesh is invited to the Order dt.16.10.2025 in Miscellaneous Application No. 1889-1891 of 2025 in Civil Appeal NOs. 3640-3642 of 2025 of Hon'ble Supreme Court of India, wherein all the High Courts were directed to evolve requisite procedure and guide their respective District Judiciary for effective and expeditious disposal of the Execution Petitions which are pending as on date.

The Committee of Hon'ble Judges for "Ensuring the Implementation of the Decisions of the Apex Court" in the meeting held on 29.04.2026 approved the following guidelines/suggestions for early disposal of execution petitions.

Rc. 6699/24/8/26

GUIDELINES/SUGGESTIONS FRAMED FOR EARLY DISPOSAL OF EXECUTION PETITIONS

I

1. As per Rule 212 of Civil Rules of Practice (CRP) and Circular Orders, if the Execution Petition is admitted, the applicant shall, within two (2) days or within such other period as may be fixed by the Judge, pay Court fee to issue process.

2. To dispose of the Execution Petitions within six months and to avoid delay, the Executing Court shall insist the applicant of the Execution Petition to pay the process and subsistence allowance along with Execution Petition and thereafter fix a date for appearance of J.Dr not exceeding 30 days.

3. If the process fee is not paid along with Execution Petition, the Execution Petition shall be adjourned for payment of process for three (3) days.

4. Even after lapse of time, if the process fee is not paid, the Execution Petition shall be dismissed for default. In case of arrest, process fee and subsistence allowance must be paid as contemplated in Rule 212 of CRP.

II

1. The Presiding Officer shall decide whether a notice under Order XXI Rule 22 is required.

2. The Court/Presiding Officer has the discretion to dispense with Order XXI Rule 22 (1) & (2) notices, as per the A.P state amendment.

3. Instead of mechanically sending notices/ process repeatedly to the same old address of the J.Dr., when the notice/process returned with endorsement that "address not correct" or "addressee left", the Court shall insist the D.Hr to furnish the correct address as required under Order VI Rule 14-A.

4. The Court can order the summons "to hand over" to the D.Hr. for personal service on J.Dr. under Order V Rule 9-A in the presence of a respectable person or a Gazetted Officer.

5. If it is found that the respondent has been avoiding to receive notices or getting them returned, the Court shall resort to substitute service as contemplated under Order V Rule 20 CPC and can take presumption as to the service of notice.

6. At the time of registering the Execution Petitions, the Court shall insist the D.Hr to pay the process and subsistence allowance along with Execution Petition or direct him to pay such process within three days from the date of registration of Execution Petition [as contemplated under Order 21 Rule 39 (1) of CPC].

7. The Executing Court shall specifically mention in the process a specific date on or before which the notice is to be served on the J.Dr and return to the Court in terms of Order XXI Rule 24(3) CPC.

   7.1 The Court shall insist the draft document, to be executed by the Court, filed along with Execution Application and send such copy to the J.Dr along with notice as per Or.21 Rule 34(1) CPC and Rule 220 CRP, so that delay can be avoided.

   7.2 Once draft document is sent to Registrar's office for registration, the Court shall fix a date for return of registered document to the Court. If the Registering authority raises any objection, the Executing Court shall insist the D.Hr to comply such objections by giving short time i.e., not more than seven (7) days.

8. The Executing Courts shall pass orders under Order XXI Rule 54 and 66 simultaneously, so that the immovable property, shown in the Execution Petition, would be attached and on the date shown in the notice, for appearance of J.Dr, the terms would be settled and proclamation would be prepared for sale of the attached property.

9. In Execution Petitions, for attachment of salary of J.Dr, after service of notice, if the garnishee fails to deduct and send amount from the salary of J.Dr, instead of adjourning the petition with an observation "await amount/information from the garnishee", shall order garnishee notice as contemplated under Order XXI Rule 46-A and 46-B of CPC.

10. If the Court, in EP proceedings, finds that the objection, resistance or claim, is frivolous or mala fide, may grant compensatory costs in accordance with Section 35A CPC and Order XXI Rule 98 (2) CPC.

11. Under Section 60 CPC, the terms "In the name of judgment-debtor or of any other person in-trust for him or on his behalf" should be read liberally to incorporate any other person.

SUGGESTIONS

1. The execution petitions shall be disposed of within six (06) months from the date of filing (Periyammal's case). However, by recording reasons, the time may be extended.

2. The Executing Court, on being satisfied that the decree cannot be executed without police assistance, shall direct the concerned police to provide assistance to the Court officials for execution of decree on the application being made by the concerned.

3. The execution proceedings should not be treated as fresh litigation.

4. The Executing Court shall give short dates for service of notices on the basis of distance of the address of the respondent/J.Dr.

GUIDELINES FOR EARLY DISPOSAL OF CLAIM PETITIONS

1. Order X of CPC authorizes the Court to examine both parties at the time of first hearing in original proceedings. The same procedure can be adopted at the first hearing of Execution Petitions as well, particularly when claim petitions are filed.

2. Many claim petitions are being filed in relation to immovable properties and are kept pending in Execution Petitions. According to Section 64(1) of CPC, private alienation of property, after attachment, is void. However, Section 64 (2) of CPC prescribes certain exceptions. The Presiding Officer has to examine whether the interest claimed by the claimant is based on registered document or whether such alleged rights were created prior to attachment.

3. If the Court comes to conclusion that J.Dr, with a view to protract the proceedings and to prevent the D.Hr or the auction purchaser from taking possession of the property, has got filed such claim petition through third parties, the Executing Court shall resort to Section 74 (Order XXI Rule 98(2)) of CPC and send J.Dr to civil prison, thereby unwarranted claim petitions can be curbed.

4. Order XXI Rule 58 contemplates adjudication upon claim petitions/objections, but such petitions shall not be entertained in respect of property attached and has already been sold, inasmuch as such claim petitions are designedly or unnecessarily filed to delay the EP proceedings.

5. When the Court refuses to entertain objections/claim petitions, the party against whom the order of refusal passed, is entitled to institute a suit. However, the EP proceedings need not be stayed on the ground that suit is pending (Or.21 Rule 29 CPC).

6. Order XXI Rule 59(b) specifically provides that the immovable property, pending adjudication of any claim petitions, may be sold at an auction in EP proceedings, however, such sales shall not be confirmed. However, such sales are subject to result of the claim petition.

7. Once objections under Section 47 of CPC or Order XXI Rule 58 of CPC filed and registered, the Court shall examine whether recording of evidence in such petitions is necessary or not or can they be disposed of on affidavits or on the basis of admitted documents.

8. The Executing Courts shall make an endeavor to decide such petitions without recording evidence. When the Court feels that recording of evidence is necessary to dispose of the above stated objection petitions, only then the Executing Courts shall proceed to record evidence.

9. The Presiding Officers shall not adjourn the Execution Petitions to longer dates. However, due to any technical hurdles or pendency of various other proceedings (stay from the appellate courts), need may arise to adjourn the proceedings. In such an event, the Presiding Officer shall mention the same in the docket and shall grant short adjournments only.

10. The Principal District Judges shall enquire whether the Presiding Officers are paying attention/taking care at the time of numbering the claim petitions. The Principal District Judges shall also monitor disposal of such claim petitions.

SUGGESTIONS

1. The Presiding Officers of Executing Courts shall take steps to settle the Execution Petitions by way of mediation or through Lok Adalats, particularly the Execution Petitions relating to money decrees or awards. If the parties seek time on the ground of compromise, the Executing Courts should give only short dates.

2. It is the duty of D.Hr to secure particulars of the legal representatives (LRs) of the deceased J.Dr. If the D.Hr is not prompt in taking steps, the Court shall close the Execution Petition instead of giving liberal adjournments.

3. The Principal District Judges, as the members of District Arrears Committee/ District Court Management System Committee (DCMSC), shall monitor the disposal of Execution Petitions every month and shall advise the Presiding Officers, who are not able to attend to the disposal of the Execution Petitions effectively, to improve the disposal.

4. The staff members who are attending to the Execution Petitions shall be thorough with the provisions and procedural aspects, thereby unnecessary and frivolous objections can be prevented. For this, to happen, the staff members shall be trained once in three months by the District Courts with the assistance of Senior Judicial Officers and senior retired staff members.

The above guidelines/suggestions are not exhaustive, framed for disposal of the Execution Petitions within six (6) months period as directed in Periyammal's case.

Therefore, all the Unit Heads of District Judiciary in Andhra Pradesh are hereby directed to instruct all the Judicial Officers dealing with the Execution Petitions in their respective units to ensure that the Execution Petitions pending shall be decided and disposed of within a period of six months without fail.

As stated earlier, it is made clear in terms of directions of the Hon'ble Supreme Court that in the event of failure to comply above directions, the concerned Presiding Officer is responsible to the High court on administrative side.

REGISTRAR (JUDICIAL)
20/8/26.

To
1. All the Registrars in the High Court of Andhra Pradesh.
2. All the Unit Heads in the State of Andhra Pradesh (with a request to circulate the same to all the Judicial Officers in their respective units).
3. All the Presiding Officers of Labour Courts/Tribunals in Andhra Pradesh.
4. The Registrar (IT cum CPC), High Court of Andhra Pradesh (with a request to upload the circular on the official website of the High Court).