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.

22/6/26

Yours sincerely,

REGISTRAR GENERAL

Encl: As stated.

E. Courts

District Court,
Vizianagaram,
Date : 23.06.2026.

Copy of **letter in ROC No.587/SO/2026 dt.22.06.2026** of the Honourable High Court of Andhra Pradesh at Amaravathi along with Copy of **Order dt.11.06.2026** in Civil Revision Petition No. 1583 of 2026 of Hon'ble High Court of Andhra Pradesh, Amaravati, received in this Court on 22.06.2026, is herewith communicated **to all the Judicial Officers** in the Unit of Vizianagaram District Judiciary, for information and compliance of the directions issued therein.

Sd/ M. Babitha

Principal District Judge,
Vizianagaram.

True Copy / By Order

Chief Administrative Officer,
District Court, Vizianagaram.

Copy to :-

The System officer, e-Courts Project, District Court, Vizianagaram, with a direction to send the copy of the same **to all the Judicial Officers relating to the unit of Vizianagaram District Judiciary, through their respective official mails** and to upload the same in District Court website **vizianagaram.dcourts.gov.in** and also place the same in the **group of Chief Ministerial Officers** of Vizianagaram Judicial District.

.Dis.No. 2723 Date: 23.06.2026.

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

JUSTICE SUBBA REDDY SATTI

*** HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

+ CIVIL REVISION PETITION No.1583 of 2026

% 11.06.2026

CIVIL REVISION PETITION No.1583 of 2026

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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 PrI. 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 PrI. 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

[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.

JUSTICE SUBBA REDDY SATTI

Note: LR copy to be marked
B/O
PVD