IN THE COURT OF THE VACATION CIVIL JUDGE:: CAMP AT TANUKU

In the Court of : vacation Civil Judge:: Judge, Family Court – cum – VII Additional District Judge, West Godavari, Eluru, Camp at Tanuku.

Dr.Yeedu Srinivasa Rao

A Diary Date: 15.05.2026

Sl.No.	Case Type	Case Proceedings
1	OS 04/2026	Issue summons to the defendant through court and Speed post on payment of process, call on 16.06.2026
2.	IA 16/2026 in OS 04/2026	Heard the learned counsel for petitioner/plaintiff. 2. This application is filed under Order 39 Rule 1 and 2 of CPC seeking to grant ad-interim injunction restraining the respondent /defendant from alienating the petition schedule property of Item No.1 to Item No.3 which is said to be joint family property of the petitioner/plaintiff and respondent/defendant. 3. The only part for consideration is whether the petitioner/plaintiff has established prima facie case and balance of convenience and if injunction is refused, whether it would cause irreparable loss to the petitioner/plaintiff. 4. As seen from the averments of the petition and affidavit, it indicates that the petition schedule properties i.e., Item No.1 is alleged to have acquired by the father of the plaintiff by virtue of registered sale deed dated 25.06.1997 and Item No.2 is said to have purchased by the mother of the plaintiff and defendant by virtue of registered sale deed dated 06.05.2019 and Item No.3 is purchased by the father of the plaintiff and defendant by virtue of registered sale deed dated 15.11.2002 and that as seen from the death certificates filed by the petitioner, father and mother are no more and the petition schedule properties are joint family properties of petitioner/plaintiff and respondent/defendant. The contention of the petitioner is that respondent/defendant is trying to alienate the schedule properties and if it is succeeded, it would cause irreparable loss to the petitioner/plaintiff. 5. As was held in J.Balakrishna Raju Vs J.Radhakrishna Raju, 2014 (4) ALT 570, in an application for temporary injunction, the initial onus of proof as well as the legal burden to prove a prima facie case of lawful possession of

		suit property on the date of suit and at all relevant times is on the plaintiff. In this case on hand, it is a suit for partition, the plaintiff and defendant are alleged to be in joint possession, more in particular, the possession over the petition schedule properties are in constructive possession of the petitioner/plaintiff. Further, in the case of Andhra Pradesh Neelikula Sangham Vs A.Lakshmi Kantha Rao and others, 2016 (6) ALT 572 (Division Bench) and in the case of Ramola @ Easthar Bhagyavathi and others Vs Jacob Nava Mani Raja and others 2013 (1) ALT 87 (Division Bench), wherein, temporary injunction was granted in the suit for partition. 6. It is thus the petitioner/plaintiff, being joint co-owner of the petition schedule property, has established prima facie case to go for trial. As the respondent/defendant is trying to alienate the petition schedule properties, it is just to grant Ad-interim injunction restraining the respondent/defendant from alienation of the petition schedule properties until 16.06.2026, otherwise, it would cause irreparable loss to the petitioner/plaintiff and it is also essential to avoid multiplicity of proceedings. 7. In the result, Ad-interim injunction is granted restraining the respondent/defendant from alienation of the petition schedule properties until 16.06.2026. However, this court makes it clear that any extension of this injunction order would be on hearing both sides only. The petitioner/plaintiff shall comply with Order 39 Rule 3A of CPC. 8. Issue urgent notice to the respondent/defendant on payment of process by 16.06.2026.
3	OS 05/2026	Issue summons to the defendants through court and Speed Post on payment of process, call on 16.06.2026
4	IA 18/2026 in OS 05/2026	Heard the learned counsel for petitioner/plaintiff. 2. This application is filed under Order 39 Rule 1 and 2 of CPC seeking to grant ad-interim injunction restraining the respondents 1 to 5 /defendants 1 to 5 from alienating the Plaint A, B and Item No.2 of Plaint C schedule properties by executing any document under ground those properties are undivided joint properties of plaintiff and defendants 1 to 5. 3. The only part for consideration is whether the petitioner/plaintiff has established prima facie case and balance of convenience and if injunction is refused, whether

		it would cause irreparable loss to the petitioner/plaintiff. 4. As seen from the averments of the petition and affidavit, it indicates that the petition/plaint schedule properties i.e., Plaint A, B and Item No.2 of Plaint C schedule properties are said to be undivided joint family properties and the petitioner/plaintiff has shown a prima facie case as prima facie evinced from the certified copy of the partition deed dated 25.01.1975 executed among Gavara Srimannarayana and his sons vide document No.131 of 1975 and the draft relinquishment deed of the year 2024 and the certified copy of registered sale deed dated 09.12.1993 executed in favour of Gavara Sesha Rao/1st defendant and 19 others (D2 to D20) and the certified copy of registered settlement deed dated 07.06.2019 executed in favour of petitioner/plaintiff by D5; the certified copy of registered settlement deed dated 09.05.2023 executed in favour of D4 by the petitioner/plaintiff vide document No.3065 of 2023 and there are other documents which are also important to see joint nucleus among the parties and property assessment details and adangal extracts. 5. The contention of the petitioner/plaintiff is that respondents 1 to 5/defendants 1 to 5 are trying to alienate the schedule properties and if it is succeeded, it would cause irreparable loss to the petitioner/plaintiff. 6. It is curious to see that as was held in J.Balakrishna Raju Vs J.Radhakrishna Raju, 2014 (4) ALT 570, in an application for temporary injunction, the initial onus of proof as well as the legal burden to prove a prima facie case of lawful possession of suit property on the date of suit and at all relevant times is on the plaintiff. In this case on hand, it is a suit for partition, the plaintiff and defendant are alleged to be in joint possession, more in particular, the possession over the petition schedule properties are in constructive possession of the petitioner/plaintiff. Further, in the case of Andhra Pradesh Neelikula Sangham Vs A.Lakshmi Kantha Rao and others, 2016 (6) ALT 572 (Division Bench) and in the case of Ramola @ Easthar Bhagyavathi and others Vs Jacob Nava Mani Raja and others 2013 (1) ALT 87 (Division Bench), wherein, temporary injunction was granted in the suit for partition. 7. It is thus the petitioner/plaintiff, being joint co-owner of the petition schedule properties, has established prima facie case to go for trial. As the respondents 1 to 5/defendants 1 to 5 are trying to alienate the petition/plaint

		A, B and Item No.2 of petition/plaint C schedule properties, it is just to grant Ad-interim injunction restraining the respondents 1 to 5/defendants 1 to 5 from alienation of the petition/plaint A, B and Item No.2 of petition/plaint C schedule properties until 16.06.2026, otherwise, it would cause irreparable loss to the petitioner/plaintiff and it is also essential to avoid multiplicity of proceedings, a fortiori, any finding in this order would not affect the merits of main case and the theory of the defendants to be set out in this case. 8. In the result, Ad-interim injunction is granted restraining the respondents 1 to 5 /defendants 1 to 5 from alienation of the petition/plaint A, B and Item No.2 of petition/plaint C schedule properties until 16.06.2026. However, this court makes it clear that any extension of this injunction order would be on hearing both sides only. The petitioner/plaintiff shall comply with Order 39 Rule 3A of CPC. 9. Issue urgent notice to the respondents/defendants on payment of process by 16.06.2026.
5.	Un numbered EP filed in S.R No. /2026	Heard. It is submitted that the decree was passed on 24.01.2020, wherein the Dhr died on 16.02.2025, a fortiori, in application under Section 146 of CPC is also filed to add the Lrs of the DHR. If that be so, under Section 214 (1) (b) of the Indian Succession Act is generally required and therefore, to hear on this point, at request of the learned counsel for Dhr, call on 16.06.2026.

Sd/- Dr.Y.Srinivasa Rao

Vacation Civil Judge
Camp at Tanuku