

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: 25.05.2026

Sl.No.	Case Type	Case Proceedings
1	OS 23/2026	Issue summons to the defendant through court and Speed post on payment of process, call on 22-6-2026
2.	IA 106/2026 in OS 23/2026	Heard the learned counsel for petitioner/plaintiff. 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 pending the above suit restraining the respondent <i>defendant, his men , servants and agents from interfering with the peaceful possession and enjoyment of the schedule property by the petitioner/plaintiff</i> who is said to be cultivating tenant. 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 petitioner/plaintiff is alleged to be a cultivating tenant of the petition schedule property and the petitioner relies on bunch of tax receipts, rent payment receipts in the account of defendant, payment of water tax receipts on way of the defendant and cultivator's credit card issued in favour of petitioner/plaintiff. A perusal of the tax receipts which are of the fasali 1426 I & II, 1417, 1419, 1427, 1428, 1429 I & II, 1407, 1429 I & II, 1425, 1423 I & II, 1428, a fortiori, the latest receipts, dt.13.6.2025 & 07.01.2026. All these documents prima facie case of the petitioner/plaintiff to go for trial. 5. The contention of the petitioner/plaintiff argues that the respondent/defendant interferes with his peaceful possession and enjoyment , despite the petitioner is being cultivating tenant for several years and mentioned the period ie., father was a cultivating tenant during 1966 to 2019 and thereafter the petitioner is a cultivating tenant of the petition schedule property and therefore the possession and enjoyment is only with

petitioner as a cultivating tenant unless he is evicted due process of law.

6. Curiously enough, in the case of Mara Venkata Lingam Vs. State of Andhra Pradesh, 2019(6) ALT 384, wherein the Hon'ble High Court of Andhra Pradesh held that till establishment of Rent Courts. The terms of 13 of the Act as taking place, the civil courts, which are vested with jurisdiction to entertain the civil suits and also entertained the suits filed by the lessees seeking injunction and other relevant reliefs. Ofcourse, this is an observation pertaining to AP Residential and Non residential Premises Tenancy Act, 2017. Applying the same analogy to the facts of this case on hand, a fortiori, the Tenancy Acts are repealed, this is a case in which the lawful possession of plaintiff/petitioner, who is a prima facie cultivating tenant of schedule property, must be protected, inasmuch as this is a case in civil in nature. As I discussed earlier, the petitioner has shown his prima facie case to go for trial and without prejudice to the rights of the ownership of the respondent/defendant, it is the duty of the civil Court to protect the possession of the petitioner/plaintiff until he is evicted due process of Law, Ad-interim injunction must be granted till 22.06.2026, as the balance of convenience is also in favour of the petitioner and if injunction is refused it would cause irreporable loss to the petitioner and the dicta 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. 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. In the result, Ad-interim injunction is granted restraining the respondent/defendant *from interfering with the peaceful possession and enjoyment of the schedule property by the petitioner/plaintiff* who is said to be cultivating tenant, a fortiori , without prejudice ownership right of defendant owner of the schedule property. 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 respondent/defendant on payment of process by 22.06.2026.
3	OS 24/2026	Issue summons to the defendants through court and Speed Post on payment of process, call on 22.06.2026
4.	IA 106/2026 in OS 24/2026	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/defendants from ever interfering with peaceful possession and enjoyment of the petition schedule property pending disposal of the main suit on the ground that the petitioner is absolute owner of the schedule property by virtue of registered settlement deed, dt.24.02.2011, vide doc.No.555 of 2011 and the possession and enjoyment is only with the petitioner/plaintiff over the schedule property. 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 property is alleged to have acquired by the plaintiff by virtue of registered settlement deed dated 24.02.2011 vide doc.No.555/2011 and to show the possession, the plaintiff relied on Electricity d;demand notices of the year 2025 and 2026 (Photostate copies) and certificate issued by Panchayat Secretary of Vatluru Grama Panchayat, Pedapadu Mandal and these documents shows that the prima facie case of the petitioner/plaintiff and balance of convenience and therefore, if injunction is not granted , it would cause irreparable loss to the petitioner/plaintiff. 4. 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. 5. It is thus the petitioner/plaintiff, being 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 respondents/defendants from interfering with the peaceful possession and enjoyment of the petition schedule property until 22.06.2026, otherwise, it would cause irreparable loss to the petitioner/plaintiff and it is also essential to avoid multiplicity of proceedings. 6. In the result, Ad-interim injunction is granted restraining the respondents/defendants from interfering with the peaceful possession and enjoyment of the petition schedule property until 22.06.2026. 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 respondents/defendants on payment of process by 22.06.2026.
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5.	COP 30/2026	Lodged and watch 90 days.
6.	COP 31/2026	Lodged and watch 90 days.
7.	COP 32/2026	Lodged and watch 90 days.
8.	COP 33/2026	Lodged and watch 90 days.
9.	COP 34/2026	Lodged and watch 90 days.
10.	OS /26 in SR 54/2026	Returned.
11.	AS /26 in SR 190/2026	Returned.
12.	OS 25/2026	Issue suit summonsj to defendants on payment process Through court and speed post call on 22-6-2026. In IA 110/2026 Issue urgent notice to respondents call on 22.6.2026

13.	OS 26/2026	Issue suit summons to defendants on payment process Through court and speed post call on 22-6-2026. In IA 115/2026 Issue urgent notice to respondents call on 22.6.2026
14.	OS 27/2026	Issue suit summons to defendants on payment process Through court and speed post call on 22-6-2026. In IA 111/2026 and in IA 112/2026 Issue urgent notice to respondents call on 22.6.2026
15.	OS 28/2026	Issue suit summons to defendants on payment process Through court and speed post call on 22-6-2026. In IA 114/2026 Issue urgent notice to respondents call on 22.6.2026
16.	IP 1/2026	Issue suit notice to respondents on payment process Through court and speed post call on 22-6-2026. In IA116 /2026 Issue urgent notice to respondents call on 22.6.2026

Sd/- Dr.Y.Srinivasa Rao
Vacation Civil Judge
Camp at Tanuku