

Reserved on	09.04.2026
Pronounced on	10.04.2026
Uploaded on	10.04.2026

APHC010170202026



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

[3328]

FRIDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

CIVIL REVISION PETITION NO: 1015/2026

Between:

1.CHINTA PRASUNA, W/O CHINTA SRINIVASULA REDDY AGED ABOUT 59 YEARS, BUSINESS RESIDENT OF DOOR NO. 2-47-3, PLOT NO. 70 AU, SECTOR-11 MVP COLONY, VISAKHAPATNAM URBAN, VISAKHAPATNAM LB COLONY, VISAKHAPATNAM DISTRICT.

...PETITIONER

AND

1.DHARMANA GANAPATHIRAO, S/O LATE LATCHAYYA, AGED ABOUT 63 YEARS, BUSINESS, RESIDING AT DOOR NO.2-1-30/2, VENKAYYAPETA VILLAGE, KORLAKOTA POST, AMADALAVALASA MUNICIPALITY, SRIKAKULAM DISTRICT, AT PRESENT RESIDING AT PLOT NO. 103, BHARAT RESIDENCY, BHARATNAGAR COLONY, MADHURUVADA, VISAKHAPATNAM DISTRICT.

2.DHARMANA USHA, W/O GANAPATHIRAO, AGED ABOUT 53 YEARS, HOUSEHOLD DUTIES RESIDING AT DOOR NO.2-1-30/2, VENKAYYAPETA VILLAGE, KORLAKOTA POST, AMADALAVALASA MUNICIPALITY, SRIKAKULAM DISTRICT, AT PRESENT RESIDING AT PLOT NO. 103, BHARAT RESIDENCY, BHARATNAGAR COLONY, MADHURUVADA, VISAKHAPATNAM DISTRICT.

3.KOTHAPALLI GANGARAJU, S/O LATE SEETHARAMRAJU, AGED ABOUT 64 YEARS, CULTIVATION, 10-20, KOTAGATLAPALEM, PALAKODURU PSOT AND MANDAL. WEST GODAVARI DISTRICT.

4.KOTHAPALLI VENKATAPATHIRAJU, S/O GANGARAJU, AGED ABOUT 30 YEARS, CULTIVATION, 10-20, KOTAGATLAPALEM, PALAKODURU PSOT AND MANDAL. WEST GODAVARI DISTRICT.

5.ANNEPU RAMAKRISHNA, S/O LATE DALINAIDU, AGED ABOUT 39 YEARS, RESIDING AT PEDDAPETA VILLAGE BURJA POST AND MANDAL, SRIKAKULAM DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1.T DIWAKAR REDDY

Counsel for the Respondent(S):

1. Nil

The Court made the following:

ORDER:

Heard Sri T. Diwakar Reddy, learned Counsel for the Civil Revision Petitioner.

2. Having been aggrieved by the inaction of the Office of the IV Additional District Judge, Srikakulam, in numbering the Execution Application under Order XXI Rule 58 of the Code of Civil Procedure in E.P.No.15 of 2023 in O.S. No.73 of 2017, the present Civil Revision Petition is filed.

3. The facts as narrated in the Execution Application would indicate that the Applicant is the Third Party, and Respondent Nos.1 and 2 therein are the Decree Holders, and Respondent Nos.3 to 5 are the Judgment Debtors in the Execution Petition. It is averred that Respondent Nos.1 to 5 in the E.P. are no way concerned with the E.P. Schedule Property.

4. The Revision Petitioner has stated in the Execution Application that she had come to know that the Decree Holders have filed the present Execution Petition against the Judgment Debtors for recovery of the E.P. amount of Rs.85,10,163/- together with interest and costs by selling the E.P. Schedule Property on the strength of the Decree dated 03.02.2020 in O.S.No.73 of 2017. It is also stated in the Execution Application by the Revision Petitioner that the subject property was mortgaged in favour of the Decree Holders by the Judgment Debtors by way of Registered Mortgage Deed dated 12.06.2013 *vide* Document No.1746 of 2013.

5. The Revision Petitioner herein submits that she became the absolute owner of the Petition Schedule Property under Registered Sale Deed dated 14.11.2017 *vide* Document No.1755 of 2017 for valuable consideration from one Kothapalli Gangaraju, who is Judgment Debtor No.1.

6. It is also stated that since the date of purchase, the Revision Petitioner has been in peaceful possession and enjoyment of the said Property without any interference, and her name has been mutated in all the Revenue

Records. It is further stated that the Revision Petitioner has obtained the Pattadar Pass Book and Adangals in her name.

7. It is particularly averred by the Revision Petitioner that, at the time of sale, she had obtained an Encumbrance Certificate with regard to the Petition Schedule Property, and after understanding that the said Property was free from any encumbrance, she had purchased the subject property.

8. The Revision Petitioner has filed a copy of the Registered Sale Deed dated 14.11.2017 *vide* Document No.1755 of 2017 along with the Execution Application before the IV Additional District Judge, Srikakulam.

9. It is also stated that the Revision Petitioner's Vendor (Sri Kothapalli Gangaraju – Judgment Debtor No.1) had purchased the Petition Schedule Property by way of Registered Sale Deed dated 29.01.2011 *vide* Document No.161 of 2011 from one Sri Bhogi Viswanadham, who had inherited the said property from his ancestors.

10. It is further stated that Sri Bhogi Viswanadham became the absolute owner of the Petition Schedule Property by way of devolution. It is also stated that the Revision Petitioner got the Petition Schedule Property converted into commercial land *vide* Application No.NLCR011800012112.

11. In the above premise, the Revision Petitioner made a Prayer in the Execution Application to adjudicate the claim of the Petitioner by declaring that she is having right over some extent of the E.P. Schedule Property along with the Respondents and to exclude the same from the Sale Proceedings in the E.P.

12. The Docket of the Court of the IV Additional District Judge, Srikakulam, would indicate that the said Execution Application was returned on the following dates: 10.11.2025, 08.12.2025, and 28.01.2026.

13. It is the submission of the learned Counsel for the Revision Petitioner that while the Execution Application filed by the Revision Petitioner is kept unnumbered indefinitely, the Execution Court is proceeding further for

notifying the Suit Schedule Property for Auction. If the Auction is conducted for the entire extent, including the portion claimed by the Revision Petitioner, she would be put to irreparable injury and hardship.

14. The above facts would indicate that the Office of the IV Additional District Judge, Srikakulam, has returned the Execution Application by raising certain queries. This Court is not considering the validity or otherwise of the queries raised by the Office of the IV Additional District Judge, Srikakulam.

15. The law is well settled as to how the Court should proceed in situations of this nature, where the Office of the Presiding Officer is not convinced with the Explanation rendered by the respective Counsel for the purpose of numbering an Interlocutory Application.

16. This Court, by an Order dated 05.06.2025 in C.R.P.No.448 of 2025, has laid down the Procedure required to be followed in such instances as described hereinabove. While doing so, this Court has placed reliance on the Manual published by the Andhra Pradesh State Judicial Academy titled as "A Guide for the Ministerial Officers of Subordinate Courts working under the control of the High Court of Andhra Pradesh" (hereinafter referred to as "Guidelines"). The relevant portion of the Guidelines is extracted hereunder:

"INSTRUCTIONS TO THE CHIEF MINISTERIAL OFFICERS:

1) *A plaint has to be either numbered or returned within 3 days.*

1) *All objections which may be relevant shall be taken at one time.*

Taking of piece meal objections shall be avoided.

2) *The plaint shall be returned for more than three times. If still the objections remained unanswered, the plaint shall be placed at bench for hearing the advocate and for passing necessary orders.*

3) *It is the responsibility of the C.M.O to bring it to the notice of the Presiding Judge as to whether the plaint contains any unnecessary, scandalous, frivolous, vexatious matters or if it is an abuse of the process of the court in order to strike out the same by court as per Order 6 Rule 16 C.P.C*

4) xxx.”

17. Although the above said Guidelines deal with the numbering of the claim, nevertheless, the Analogy as well as the Principle of Law applies even with regard to the Interlocutory Application as well to the effect that if the learned Counsel or the Party fails to convince the Office of the learned Judge, the only course left open to the Office is to list the same on any convenient date, depending on the need and exigency of the situation, before the Court, where the learned Presiding Officer is required to hear the Objections and judicially decide the matter by passing a Speaking Order.

18. This is necessitated on account of the fact that the claim of the citizen, maintainable or otherwise, shall be decided, lest the cause might become infructuous due to the ongoing Proceedings, and the Applicant, who had approached the Court, might be left high and dry without a legal remedy.

19. If the Court hears the Objections and passes a Judicial Order, that enables the Party or Parties to avail other remedies as available to them under law.

20. In the above premises, this Court deems it appropriate to dispose of this Civil Revision Petition with the following directions:

- i. Since the Execution Application filed by the Revision Petitioner in E.P.No.15 of 2023 in O.S.No.73 of 2017 has been returned thrice, and the last date of return was on 28.01.2026 granting seven days' time for curing the defects, the Office is directed to list the said E.A. before the learned Presiding Officer within one (01) week from the date of uploading of this Order on the website of this Court.
- ii. The learned Presiding Officer shall thereafter decide the maintainability of the Execution Application filed by the Revision Petitioner, after putting all the Parties to Notice, and the hearing shall take place on a day-to-day basis.

- iii. Learned Presiding Officer shall suspend the E.P. Proceedings until he/she passes a Judicial Order as regards the maintainability of the Execution Application filed by the present Revision Petitioner.

21. With these observations and directions, the Civil Revision Petition is disposed of. No order as to costs. It is clarified that this Court has not made any observation on the merits of the case.

22. Before parting with this case, this Court is required to deal with an issue of public importance. This Court has noticed that the Plaints/Interlocutory Applications/Execution Petitions/Execution Applications, etc., which are filed are being unduly delayed at the Numbering Stage on account of the Office of the concerned Court not being satisfied with the Explanation given by the Party/Counsel.

23. Under these circumstances, it would be inappropriate to shuttle such Pleadings between the Office of the Court on the one hand and the Party/Counsel on the other hand for an indefinite period of time and for any number of times.

24. Since the Guidelines incorporated in the Manual published by the Andhra Pradesh State Academy would provide guidance to the effect that the Office can return Plaints/Interlocutory Applications/Execution Petitions/Execution Applications, etc., with Objections only three (03) times, if the Office is unconvinced with the Explanation given by the Party/Counsel even the third time, the Office may note the same and put up the matter for hearing before the learned Presiding Officer in the open Court.

25. In this view of the matter, Registrar (Judicial) is requested to circulate a copy of this Order along with a copy of the Order of this Court passed in C.R.P.No.448 of 2025, dated 05.06.2025, to all the Judicial Officers in the State for their guidance.

26. Registrar (Judicial) shall also direct the Judicial Officers to inform their Staff, Subordinates, and Ministerial Staff about these Orders for the purpose of processing the Pleadings mentioned above.

27. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 10.04.2026

DSV

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HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

CIVIL REVISION PETITION NO: 1015/2026

10.04.2026

DSV

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
MAIN CASE No. CIVIL REVISION PETITION NO: 1015/2026

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
2.	10.04.2026	<p data-bbox="516 516 651 552"><u>GRKP, J</u></p> <p data-bbox="607 596 1138 701">Civil Revision Petition is disposed of. (vide separate order)</p> <p data-bbox="516 856 578 888">DSV</p> <p data-bbox="1097 814 1232 850">GRKP, J</p>	

