HIGH COURT OF ANDHRA PRADESH

* * * *

CIVIL REVISION PETITION. No.3040 of 2026

Between:
Vardhanapu Priskilamma @ Priskilla

.....PETITIONER

AND
Kambattula Suryakantham

.....RESPONDENT

DATE OF JUDGMENT RESERVED : 03.11.2026

DATE OF JUDGMENT PRONOUNCED : 06.11.2026
DATE OF JUDGMENT UPLOADED : 06.11.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment may be marked to Law Reporters/Journals Yes/No

3. Whether Your Lordships wish to see the fair copy of the Judgment? Yes/No

_____

RAVI NATH TILHARI, J

APHC010556612026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI**

\+ **CIVIL REVISION PETITION. No.3040 of 2026**

% 06.11.2026

Between:
Vardhanapu Priskilamma @ Priskilla

.....PETITIONER

AND
Kambattula Suryakantham

.....RESPONDENT

! Counsel for the Petitioner : S.Syam Sunder Rao

Counsel for the Respondents :

< Gist :

> Head Note:

? Cases Referred:

1. 2022 SCC OnLine AP 3240
2. CRP.NO.1583 of 2026 APHC decided on 11.06.2026
3. (2024) 6 SCC 267
4. 2024 SCC OnLine SC 3526

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

CIVIL REVISION PETITION NO.3040 OF 2026

ORDER:-

Heard Sri S.Syam Sunder Rao, learned counsel for the petitioner and perused the material on record.

2. The plaintiff-respondent filed O.S.No.74 of 2025 against the defendant (petitioner) for permanent injunction, restraining the defendant her men, servants, henchmen etc., from ever interfering with the peaceful possession and enjoyment of the schedule property in any manner what-so-ever, along with the consequential benefits.

3. The plaintiff also filed I.A.No.743 of 2025 in the suit for orders of temporary injunction.

4. An ad-interim temporary injunction was granted without notice to the defendant on 12.09.2025.

5. The defendant-petitioner has filed affidavit and counter on 12.02.2026.

6. The present CRP has been filed being aggrieved from non-disposal of I.A.No.743 of 2025 in O.S.No.74 of 2025. The petitioner has prayed for direction to the Civil Judge (Junior Division) – cum – Judicial First Class Magistrate, Bantumilli, Krishna District to dispose of the same expeditiously.

7. Learned counsel for the petitioner submitted that the IA was adjourned granting time to file reply to the plaintiff on many occasions. He submitted that as per Order 39 Rule 3A CPC, the matter deserves to be expeditiously decided. He placed reliance in ***Nama Ramaprasad v. Kristam Reddy Raju*** [1] and submitted that the directions were issued in the said case for the disposal of the IA in the time frame, to the learned Trial Court. He also placed reliance in ***Tirumala Sundara J.C.Nath v. Kottam Ayyanna*** [2].

8. I have considered the aforesaid submissions.

9. Order 39 Rule 3A of CPC reads as under:

> **3A. Court to dispose of application for injunction within thirty days**.—Where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which the injunction was granted; and where it is unable so to do, it shall record its reasons for such inability.

10. In ***Nama Ramaprasad*** (supra) and ***Tirumala Sundra J.C.Nath*** (supra), in the light of the provisions of Order 39 Rule 3A of CPC it has been observed that the "Courts shall keep in mind the time fixed under Order XXXIX Rule 3A CPC to dispose of injunction applications even where urgent notice is ordered." I am also of the view that where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which the injunction was granted; and where it is unable so to do, it shall record its

[1] 2022 SCC OnLine AP 3240
[2] CRP.NO.1583 of 2026 APHC decided on 11.06.2026

reasons for such inability. It is so provided by Order XXXIX Rule 3A CPC and is evident from a bare reading of the provision.

11. However, I am of the further view that the time limit of 30 days is not mandatory. The expression used is “the Court shall make an endeavour” to dispose of within that period and if it is not so possible, it shall record the reasons.

12. The docket orders annexed from 05.08.2026 upto 05.10.2026, show that the case was taken up and orders were passed on those dates granting time to the plaintiff to file the reply. The other docket orders have not been brought on record. Therefore, it cannot be said that the Court is not making endeavour to dispose of the injunction matter. The time line of 30 days is not mandatory, though it deserves to be observed. There is no statutory mandate to decide within a period of thirty days and so no statutory right to be enforced by issuance of a direction to the learned Court.

13. In ***High Court Bar Association, Allahabad V. State of Uttar Pradesh***[3]***,*** the Hon’ble Apex Court held as under:

> **“47.** Subject to what we have held earlier, we summarise our main conclusions as follows:
>
> **47.1.** A direction that all the interim orders of stay of proceedings passed by every High Court automatically expire only by reason of lapse of time cannot be issued in the exercise of the jurisdiction of this Court under Article 142 of the Constitution of India;
>
> **47.2.** Important parameters for the exercise of the jurisdiction under Article 142 of the Constitution of India which are relevant for deciding the reference are as follows:

[3] (2024) 6 SCC 267

(*i*) The jurisdiction can be exercised to do complete justice between the parties before the Court. It cannot be exercised to nullify the benefits derived by a large number of litigants based on judicial orders validly passed in their favour who are not parties to the proceedings before this Court;

(*ii*) Article 142 does not empower this Court to ignore the substantive rights of the litigants;

(*iii*) While exercising the jurisdiction under Article 142 of the Constitution of India, this Court can always issue procedural directions to the courts for streamlining procedural aspects and ironing out the creases in the procedural laws to ensure expeditious and timely disposal of cases. However, while doing so, this Court cannot affect the substantive rights of those litigants who are not parties to the case before it. The right to be heard before an adverse order is passed is not a matter of procedure but a substantive right; and

(*iv*) The power of this Court under Article 142 cannot be exercised to defeat the principles of natural justice, which are an integral part of our jurisprudence.

47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending; and

47.4. While dealing with the prayers for the grant of interim relief, the High Courts should take into consideration the guidelines incorporated in paras 44 and 45 above."

14. In ***Sangram Sadashiv Suryavanshi V. State of Maharashtra***[4], also the Hon'ble Apex Court after referring to the ***High Court Bar Association, Allahabad*** (supra), observed that a direction which can be issued in exceptional circumstances is being routinely issued by the High Courts, without noticing the law laid down in ***High Court Bar Association, Allahabad*** (supra). Paragraph Nos.7 & 8 read as under :

[4] 2024 SCC OnLine SC 3526

"7. In paragraph 47.3 of the decision of a Constitution Bench of in the Case of ***'High Court Bar Association, Allahabad v. State of Uttar Pradesh'***, this Court has held that ***in the ordinary course, the Constitutional Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts***. Paragraph 47.3 reads thus:

"47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. ***Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances****.* ***The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending****.*

8. A direction which can be issued in exceptional circumstances is being routinely issued by High Courts without noticing the law laid down by the Constitution Bench*."*

15. No exceptional circumstance has been shown to issue direction as requested in the CRP. The party desirous of expeditious disposal, should approach the Court concerned where the matter is pending.

16. This Court is therefore not inclined to issue any direction to the Court concerned. Leaving it open to the petitioner to approach the Court concerned.

17. The Civil Revision Petition is disposed of, with the liberty to the petitioner to approach the Court concerned for expeditious disposal of pending application.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

Dated: 06.11.2026
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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

CIVIL REVISION PETITION NO.3040 OF 2026

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