

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No: C.R.P.(SR).No.5315 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
1.	22.04.2026	<u>VS,J</u> The matter is posted to today under the caption “for orders” of the Court. The Registry has returned the matter with following objections: “1. Please clarify and state as to how this CRP (SR) is entertainable filed under Article 22y of Constitution of India against the order dated 11.11.2025 passed in I.A.No.230/2023 in O.S.No.195/2016 on the file of the Principal Civil Judge (Junior Division), Palakol. And the said I.A.No.230/2023 in O.S.No.195/2016 was filed under Order 9, Rule 9 of CPC which was dismissed by the trial court against witch CMA may lie. 2. Please verify the value of the appeal for the purpose of pecuniary jurisdiction since the I.A.No.230/2023 in O.S.No.195/2016 was from Principal Civil Judge (Junior Division), Palakol with the value of Rs. 94,851/- where as the pecuniary jurisdiction to file an appeal in this Hon’ble High Court is above Rs. 50,00,000/- as per the amended Act 26/2018 A.P.Civil Courts Act. 3. Value of the appeal is to be mentioned in grounds”. Pursuant to the objections raised by the Registry, the Petitioner has re-presented the above said C.M.A.(SR) as under: “The Office objection regarding pecuniary jurisdiction is not attracted in the present case. The instant	

		<i>petition is filed against an interlocutory order dated 11/11/2025 passed in I.A.No.230/2023 in O.S.No.195/2016 dismissing a restoration application under order 9, Rule 9 CPC for default. As per Section 21 of the Andhra Pradesh Civil Courts Act, 1972 (as Amended by Act 26 of 2018) the pecuniary jurisdiction limit of 50,00,000/- applies to regular appeals from decree are not to revision petition or miscellaneous appeals arising from interlocutory order. Hence office objection complied. If not satisfied post the matter in the caption of for orders of court.</i> It can be observed that initially, the Petitioner has filed C.R.P aggrieved by the orders passed in I.A.No.230 of 2023 in O.S.No. 195 of 2016, which is filed under order IX, Rule 9 and Section 151 of C.P.C. This Court feels it appropriate to refer to Order XLII, Rule 1(c) C.P.C, which deals with Appeal from orders, which reads as under: 1. Appeal from orders <i>An appeal shall lie from the following orders under the provisions of section 104, namely:-</i> a) xxxxxx b) xxxxxx c) <i>an order under rule 9 of Order IX rejecting an application (in a case open to appeal) for an order to set aside the dismissal of a suit;</i> d) xxxx Admittedly, in the present case, I.A.No. 230 of 2023 is filed under Order IX, Rule 9 and Section 151 of C.P.C as against which an Appeal lies i.e C.M.A, but not C.R.P under Order XLII, Rule 1(c) of C.P.C	
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		As the Petitioner has already presented the case as C.M.A, this Court is of the opinion that the C.M.A is maintainable. But however, as the value of the present appeal is mentioned as Rs.94,851/-, and whereas the pecuniary jurisdiction to file an Appeal before this Court is Rs. 50,00,000/- as per Section 17 of A.P.Civil Courts Act, 1972, this Court is of the opinion that the objections raised by the Registry on the point of jurisdiction are sustainable and the Appeal is rejected, while granting liberty to the Petitioner to file the same before appropriate forum having jurisdiction. Hence, the Registry is directed to return the papers to the learned counsel for the Petitioner under proper acknowledgement. _____ VS,J KK	
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