

APHC010266732026



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

[3208]

FRIDAY, THE 14th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

CIVIL REVISION PETITION NO: 1508/2026

Between:

1.LAVU VEERANJANEYULU, S/O NARASIMHA RAO, AGED ABOUT 67 YEARS, RTC DRIVER, R/O PATCHALATADIPARRU VILLAGE, PONNURU MANDAL, GUNTUR DIST.

...PETITIONER

AND

1.CHENNUPATI VIJAYALAKSHMI, W/o Kishore, aged about 60 years. Home Maker, R/o 14-11-17/5, 2nd lane, Venkateswaranagar, Nidubrolu, Ponnuru Town, Guntur District

...RESPONDENT

Petition under Article 227 of the Constitution of India,praying that in the circumstances stated in the grounds filed herein,the High Court may be pleased topleased to set aside the docket order dt.30.04.2026 passed in E.P.No.16 of 2026 in O.S.No.21 of 2011 on the file of the Principal Civil Judge (Junior Division), Ponnur as unsustainable under law and pass

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to grant stay of all further proceedings in E.P.No.16 of 2026 in O.S.No.21 of 2011 on the file of the Principal Civil Judge (Junior Division), Ponnur including delivery warrant pending disposal of the main C.R.Pand pass

Counsel for the Petitioner:

1.N A RAMACHANDRA MURTHY

Counsel for the Respondent:

1.SOHIT CHANDRA TRIPURANENI

The Court made the following:

Order:-

1. Heard the learned counsel for the petitioner and the learned counsel for the respondent.
2. The present Civil Revision Petition is filed aggrieved by the docket order dated 30.04.2026 passed in E.P.No.16 of 2016 in O.S.No.21 of 2011 on the file of the learned Principal Civil Judge (Junior Division), Ponnur.
3. The grievance of the petitioner is that, on 31.03.2026, the Court below directed issuance of notice to the judgment debtor/petitioner and posted the matter to 30.04.2026. However, without serving the said notice, the Court below, on 30.04.2026, proceeded to issue a delivery warrant on payment of the requisite process fee. It is submitted that the said action is contrary to the earlier order dated 31.03.2026 and, therefore, the order dated 30.04.2026 is liable to be set aside.
4. This Court, upon considering the grievance of the petitioner and on perusal of the material available on record, initially passed an interim order dated 08.05.2026 staying all further proceedings in the execution proceedings.
5. After notice, the respondent/decree holder entered appearance. The learned counsel appearing for the respondent submitted that the grievance of the petitioner is without legal basis in view of Order XXI Rule 35 CPC. It is contended that the said provision does not prescribe

any mandatory requirement of issuing a separate notice to the judgment debtor before delivery of possession of immovable property in execution of a decree. Where a decree is for delivery of possession of immovable property, possession shall be delivered to the decree holder or to such person as he may appoint to receive delivery on his behalf and, if necessary, by removing any person bound by the decree who refuses to vacate the property. It is, therefore, contended that issuance of a separate notice to the judgment debtor is not a condition precedent for issuance of a delivery warrant under Order XXI Rule 35 CPC.

6. Having considered the rival submissions and upon perusal of the material available on record, this Court is of the view that the issue that arises for consideration is whether issuance of a separate notice to the judgment debtor is mandatory before issuance of a delivery warrant under Order XXI Rule 35 CPC. Order XXI Rule 35 CPC provides for delivery of possession of immovable property in execution of a decree and does not prescribe issuance of a separate notice to the judgment debtor as a mandatory requirement before delivery of possession. In the present case, though the Court below had earlier directed issuance of notice on 31.03.2026, the said direction, by itself, cannot be treated as creating a statutory requirement of issuing notice where no such requirement is contemplated under Order XXI Rule 35 CPC.

7. In view of the above, this Court finds no sufficient ground to

interfere with the docket order dated 30.04.2026 passed by the Court below. Accordingly, the interim order dated 08.05.2026 passed by this Court is hereby vacated and the Civil Revision Petition is dismissed. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE D. RAMESH

14.08.2026

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THE HONOURABLE SRI JUSTICE D RAMESH

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