



**HIGH COURT OF ANDHRA PRADESH**  
FRIDAY ,THE TWENTY FOURTH DAY OF JULY  
TWO THOUSAND AND TWENTY

**PRSENT**

**THE HONOURABLE SRI JUSTICE G. SHYAM PRASAD**  
**CIVIL REVISION PETITION NO: 957 OF 2020**

**Between:**

1. Siripurapu Sai Babu S/o. Tirapayya, age 63 years, Occ. agriculture, R/o. D.No. 3-100, Narasaraju Nagar, Jinnuru, Poduru Mandal, West Godavari District.
2. Siripurapu Rajesh, S/o. Sai Babu, age 42 years, R/o. D.No. 3-100, Narasaraju Nagar, Jinnuru, Poduru Mandal, West Godavari District.
3. Smt. Siripurapu Rangamma, W/o. Sai Babu, age 53 years, R/o.D.No. 3-100, Narasaraju Nagar, Jinnuru, Poduru Mandal, West Godavari District.

**...PETITIONER(S)**

**AND:**

1. Siripurapu Srinivas, S/o. Sai Babu, age 38 years, Occ. business, Narasaraju Nagar, Jinnuru, Poduru Mandal, West Godavari District.

**...RESPONDENTS**

**Counsel for the Petitioner(s): K V L NARASIMHA RAO**

**Counsel for the Respondents:**

**The Court made the following: ORDER**



**\*\_HON'BLE SRI JUSTICE G. SHYAM PRASAD**  
**+ CIVIL REVISION PETITION No.957 OF 2020**

% 24-07-2020

- # 1. Siripurapu Sai Babu S/o Tirapayya, aged 63 years  
Occ: Agriculture, R/o D.No.3-100, Narasaraju  
Nagar, Jinnuru, Poduru Mandal, West Godavari District
2. Siripurapu Rajesh S/o Sai Babu, aged 42 years  
R/o D.No.3-100, Narasaraju Nagar,  
Jinnuru, Poduru Mandal, West Godavari District
3. Smt Siripurapu Rangamma W/o Sai Babu, aged 53 years  
R/o D.No.3-100, Narasaraju Nagar,  
Jinnuru, Poduru Mandal, West Godavari District

... Petitioners/Defendants.

vs.

\$ Siripurapu Srinivas S/o Sai Babu, age 38 years  
Occ: Business, Narasaraju Nagar, Jinnuru,  
Poduru Mandal, West Godavari District.

... Respondent/Plaintiff

!Counsel for the petitioners : Sri K.V.L Narasimha Rao

^Counsel for the Respondent :

<Gist :

>Head Note :

? Cases referred : 1. AIR 2003 SC 3044  
2. (1991) 3 SCC 141  
3. AIR 1964 SC 1320



**HON'BLE SRI JUSTICE G. SHYAM PRASAD**  
**CIVIL REVISION PETITION No.957 OF 2020**

**ORDER:-**

This Revision is filed under Article 227 of the Constitution of India, seeking for a direction to the trial Court to dispose of the Interlocutory Application in I.A.No.1893 of 2019 in O.S.No.216 of 2019 on the file of Principal Junior Civil Judge, Palakol.

2. Heard arguments of the learned counsel for the petitioners.

3. This Court is of the view that no notice is required to be issued to the respondent since a direction sought by the petitioners is to the trial Court to dispose of the I.A.No.1893 of 2019. The Courts are expected to dispose of Interlocutory Applications within one month, if an interim injunction is granted as per Order XXXIX Rule 3-A of CPC.

Order **XXXIX Rule 3-A of CPC**, which reads as under:

**“3-A. 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.”*



4. Article 227 of Constitution of India is supervisory jurisdiction of High Court which can be exercised in the following circumstances :

*“The exercise of supervisory jurisdiction is not available to correct mere errors of fact or of law unless (i) the error is manifest and apparent on the face of the proceedings such as when it is based on clear ignorance or utter disregard of the provisions of law, and (ii) a grave injustice or gross failure of justice has occasioned thereby in Surya Dev Rai v. Ram Chander Rai<sup>1</sup>*

7. *In the exercise of jurisdiction under Art.227, the High Court can set aside or ignore the findings of fact of an inferior Court or tribunal if there was no evidence to justify such a conclusion and if no reasonable person could possibly have come to the conclusion which the Court or tribunal has come to, or, in other words, it is a finding which was perverse in law. Except to this limited extent, the High Court has no jurisdiction to interfere with the findings of fact in Duruwala Mani Nariman v. Bhatena Phiroz, N.<sup>2</sup>*

8. *This means that the High Court can interfere, under Art.227, in cases of :*

*(a) Erroneous assumption or excess of jurisdiction (Nibaran Chandra Bag v. Mahendra Nath Ghughu (AIR 1963 SC 1895)*

*(b) Refusal to exercise jurisdiction (Dahya Lal v. RAzul Mohammed Abdul Rahim (AIR 1964 SC 1320)*

*(c ) Error of law apparent on the face of the record (Satyanarayana Laxminarayan Hegde v. Mallikarjuna Bhavanappa Tirumale (AIR 1960 SC 137), but not in concurrent finding of the fact (Fatimabibi Usma Patel v. Manguben Pranbhai Thakkar (1995 Supp (3) SCC 193 (para 9) as distinguished from a mere mistake of law or error of law relating to jurisdiction (Provincial Transport Service v. State Industrial Court, (AIR 1963 SC 114).*

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<sup>1</sup> AIR 2003 SC 3044

<sup>2</sup> (1991) 3 SCC 141



(d) *Violation of the principles of natural justice (Dahya Lal v. Rasul Mohammed Abdul Rahim (AIR 1964 SC 1320)*

(e) *Arbitrary or capricious exercise of authority, or discretion (Santosh Kumar v. Mool Simngh Bhai(AIR 1958 SC 321)*

(f) *Arriving at a finding which is perverse or based on no material (Nibaran Chandra Bag v. Mahendra Nath Ghughu (AIR 1963 SC 1895)*

(g) *A patent or flagrant error in procedure \*(Trimbak Gangadhar TElang v. Ramchandra Ganesh Bhide (AIR 1977 SC 1222)*

(h) *Order resulting in manifest injustice (Trimbak Gangadhar Telang v. Ramchandra Ganesh Bhide (AIR 1977 SC 1222)*

(i) *Error both on facts and in law or even otherwise(State of Kerala v. K.Sarojini Amma (2003) 8 SCC 526)”*

5. In **Dahya Lal v. Rasul Mohammed Abdul Rahim**<sup>3</sup>, when the Court refuses to exercise the jurisdiction, a direction can be given under Article 227 of the Constitution of India to exercise its jurisdiction.

6. In this matter, the trial Court having jurisdiction to entertain the application and dispose of the same within one month, has not followed the provision under Order XXXIX Rule 3-A of CPC, and dispose of the same within stipulated time. Therefore, it has refused to exercise its jurisdiction. Hence, the trial Court can be directed to dispose of the application expeditiously by following the provision under Order XXXIX Rule 3-A of CPC.

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<sup>3</sup> AIR 1964 SC 1320



7. Considering the submissions of the counsel for the petitioners, the trial Court is directed to dispose of the I.A.No.1893 of 2019 in O.S.No.216 of 2019, expeditiously, preferably, within three (03) months, in the light of the present situation of pandemic of Covid-19 in the world.

8. With these observations, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall also stand closed.

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**G. SHYAM PRASAD,J**

Date: 24.07.2020

**Note: L.R copy to be marked.**

(b/o)  
SJ/Gvl



**HON'BLE SRI JUSTICE G. SHYAM PRASAD**

**CIVIL REVISION PETITION No.957 OF 2020**

**Date: 24.07.2020**

SJ/Gvl