APHC010567512023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3332]**
(Special Original Jurisdiction)

PRESENT:THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 2902/2023
Along with
CIVIL REVISION PETITION Nos.2601 & 2694 of 2023

CIVIL REVISION PETITION No.2902 of 2023

Between:

1. P.PURUSHOTHAM REDDY, S/O. P. NARAYANA REDDY, AGED ABOUT 48 YEARS, HINDU, OCC AGRICULTURE, R/O. D.NU.31-90/16-1-319T BLOCK, KOALA INDLU, PUNGANUR TOWN AND MANDAL, CHITTOOR DISTRICT.

...PETITIONER

AND

1. R MUNWAR BASHA, S/O. MAZEED SAHEB, AGED ABOUT 65 YEARS, MUSLIM, R/O. D.NO.19-103, SUBEDAR STREET, PUNGANUR TOWN AND MANDAL, CHITTOOR DISTRICT.
2. S SABJAN, S/O. SHAJAHAN, AGE 46 YEARS, MUSLIM, R/O. D.NO. 17-343 NVR STREET, MADANAPALLE TOWN AND MANDAL, CHITTOOR DISTRICT.
3. S NASEEMA, W/O. KHADAR BASHA, AGED ABOUT 40 YEARS, MUSLIM R/O. D.NO.5/123/1, SOMAL BUS STAND, SOMALA POST AND MANDAL, CHITTOOR DISTRICT.
4. S NOOR AHMAD, S/O. ABDUL SATTAR SAHEB, AGED ABOUT 45 YEARS, MUSLIM, R/O. D.NO.20-95, KOTHAPETA, PUNGANUR, CHITTOOR DISTRICT.
5. T GURU PRASAD, S/O. SUBRAMANYAM SETTY, AGED ABOUT 46 YEARS, R/O. SRINIVASA SUPER MARKET, M.B.T. ROAD, KOTHA. INDLU, PUNGANUR TOWN AND MANDAL, CHITTOOR DISTRICT.

6. R PURUSHOTHAM, , S/O. R. GANGULAPPA, AGED ABOUT 47 YEARS, R/O. MEKANAJAMANAPALLI VILLAGE, VANAMALADINNE POST, PUNGANUR TOWN AND MANDAL, CHITTOOR DISTRICT.
7. B NAGARAJA REDDY, S/O. RAMI REDDY, AGED ABOUT 50 YEARS, R/O. D.NO.3-49, YANAMSAMANAPALLI VILLAGE, KAGATHI POST, CHOWDEPALLE MANDAL, CHITTOOR DISTRICT.
8. P VENKATA REDDY, S/O. RAMI REDDY, AGED ABOUT 42 YEARS, R/O. CHADALLA VILLAGE AND POST, PUNGANUR MANDAL, CHITTOOR DISTRICT.
9. B DEVANAND GANDHI, S/O. B. VENKATAPPA, AGED ABOUT 46 YEARS, R/O.D.NO.15-95, VINAYAKA. NAGAR, KIIUNALAPUR, KADAPA DISTRICT, AP.
10. KURAVA DEVAMMA, W/O. GANGAPPA, AGED ABOUT 55 YEARS, R/O. AMARA KRISHNAPURAM VILLAGE, PUDIPATLA POST, CHOWDEPALLE MANDAL, CHITTOOR DISTRICT.
11. C R RAJA REDDY, S/O.PAPI REDDY, AGED ABOUT 50 YEARS, R/O. D.NO.28-49-10, KOTHAPETA (BACKSIDE OF TRAVELERS BUNGLOW), PUNGANUR TOWN AND MANDAL, CHITTOOR DISTRICT.
12. K RAJA REDDY, S/O. CHENGA REDDY, AGED ABOUT 48 YEARS, R/O. ARIKELA POST, RAMASAMUDRAM MANDAL, CHITTOOR DISTRICT.
13. M BHASKAR REDDY, S/O. M. KRISHNA REDDY, AGED ABOUT 49 YEARS, R/O. D.NO. 31-43-4-1, KOTHA INDLU, PUNGANUR TOWN AND MANDAL, CHITTOOR DISTRICT. (4 TO 8 AND 10 TO 13 ARE NOT NECESSARY PARTIES

...RESPONDENT(S):

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 tobegs to present this Memorandum of Civil Revision Petition to this Hon'ble Court against the Decree and Order in I.A.No. 26 of 2018 in I.P.No. 7

of 2018, dated 13-10-2023 on the file of the Court of the Senior Civil Judge, Punganur, Chittoor District

IA NO: 1 OF 2023

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 to grant interim protection against the execution of warrants of arrest obtained by the respondents 2 and 3 in E.P.No.30/2016 and E.P.No.29/2016 in I.P.No.7 of 2018 on the file of the Court of the Senior Civil Judge, Punganur, Chittoor District, pending disposal of the Revision petition before this Hon'ble Court and pass

Counsel for the Petitioner:

1. N PRAMOD

Counsel for the Respondent(S):

1. AYESHA AZMA S

CIVIL REVISION PETITION No. 2601 of 2023

Between:

1. SRI POTHU PURUSHOTHAM REDDY, S/O. P. NARAYAN.A REDDY, AGED 43 YEARS, R/O. D.NO.16-633-3-3, NEAR DSP BUNGLOW, RAMULA GUDI STREET, MADANAPALLE TOWN AND MANDAL, CHITTOOR DISTRICT.

...PETITIONER

AND

1. SHAIK SABJAN, S/o. Shaik Shahjahan, Aged 41 years, R/o. D.No.17-343, NVR Street, Madanapalle Town and Mandal, Chittoor 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 to being aggrieved of the orders passed in E.P.No.29/2016, in OS.No.118/,2014, order Dt.-03- 10-2023, of Principal Senior Civil Judge Madanapalle

IA NO: 1 OF 2023

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 to grant stay of the operation of the orders passed in E.P.29/2016 in O.S.No.118/2014, dated. 03-10-2023 on the file of Principal Senior Civil Judge Madanapalle and pass

IA NO: 1 OF 2025

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 may be pleased to extending the interim orders in C.R.P.No. 2601 of 2023 granted on 07-10-2023 which was being extended from time to time till 13-08-2024, until further orders in the interest of justice, and pass

IA NO: 2 OF 2025

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 may be pleased to order extend the interim orders granted in CRP.No.2601 of 2023, granted earlier on 01.08.2025 which was being extended from time to time till 15.08.2025, therefore the interim - orders may be extended until further orders until the disposal of the petition and pass

IA NO: 1 OF 2026

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 extending the interim orders granted in CRP.No.2601 of 2024, on 07.10.2023 which was being extended from time to time till 20.11.2025, pending disposal of the C.R.P. before this Hon'ble Court, and pass

Counsel for the Petitioner:

1. N PRAMOD

Counsel for the Respondent:

1. AYESHA AZMA S

CIVIL REVISION PETITION NO: 2694/2023

Between:

1. POTHU PURUSHOTHAM REDDY, S/O P. NARAYANA REDDY, AGED 43 YEARS, R/O D.NO.16-633-3-3, NEAR DSP BUNGLOW, RAMULA GUDI STREET, MADANAPALLE TOWN AND MANDAL, CHITTOOR (ANNAMAYYA) DISTRICT

...PETITIONER

AND

1. SHAIK NASEEMA, W/o S. Khader Basha, aged about 42 yrs, R/o D.No.5/123/1, Somala Bus Stand, Somala Post and Mandal, Chittoor 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 to begs to present this Memorandum of Civil Revision Petition to this Hon'ble Court against the Docket order in E.P.No. 30 of 2016 in O.S.No. 1 of 2015, dated 3-10-2023 on the file of the Court of the Principal Senior Civil judge, Madanapalle, Chittoor (Annamayya) District

IA NO: 1 OF 2023

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 to grant stay of the operation of the orders passed in E.A.No. 116 of 2022 in E.P.No.30 of 2016 in O.S.No.1 of 2015, dated 6-12-2022 on the file of the

Principal Senior Civil Judge, Madanapalle, pending disposal of the C.R.P. before this Hon'ble Court, and pass

IA NO: 1 OF 2025

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 May be pleased to extending the interim orders in C.R.P.No. 2694 of 2023 granted on 04-11-2023 which was being extended from time to time till 15-10-2024, until further orders in the interest of justice, and pass

IA NO: 1 OF 2026

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 to order extending the interim orders granted in CRP.No.2694 of 2024, granted on 04.11.2023 which was being extended from time to time till 20.11.2025, Pending disposal of the C.R.P. before this Hon'ble Court, and pass

Counsel for the Petitioner:

1. N PRAMOD

Counsel for the Respondent:

1. AYESHA AZMA S

RESERVED ON	**12.03.2026**
PRONOUNCED ON	**01.05.2026**
UPLOADED ON	**01.05.2026**

COMMON ORDER

(i) Civil Revision Petition vide CRP No.2902 of 2023 is filed questioning the legality and correctness of the order dated 13.10.2023 passed in I.A.No.26 of 2018 in I.P.No.7 of 2018 by the learned Senior Civil Judge, Punganur.

(ii) The Civil Revision Petition vide CRP No.2601 of 2023 is filed questioning the legality and correctness of the Docket order dated 03.10.2023 passed in E.P.No.29 of 2016 in O.S.No.118 of 2014 by the learned Principal Senior Civil Judge, Madanapalle.

(iii) The Civil Revision Petition vide CRP No.2694 of 2023 is filed questioning the legality and correctness of the Docket order dated 03.10.2023 passed in E.P.No.30 of 2016 in O.S.No.1 of 2015 by the learned Principal Senior Civil Judge, Madanapalle.

(iv) The Docket orders dated 03.10.2023 passed in E.P.Nos.29 & 30 of 2016 would show that since no interim protection orders were passed in I.A.No.26 of 2018 in I.P.No.7 of 2018 by the learned Senior Civil Judge, Punganur, arrest warrants were issued against the J.Dr.with police aid.

(v) Since all the Civil Revision Petitions are connected with I.A.No.26 of 2018 in I.P.No.7 of 2018, all of them were consolidated and were heard together and are being disposed of by this common order.

2. The petitioner is the petitioner and respondents are respondents in I.P.No.7 of 2018.

3. The facts that led to filing of CRP No.2902 of 2023, in brief, are that:

(i) The petitioner filed I.P.No.7 of 2018 under Section 10 of the Provincial Insolvency Act to adjudicate him as insolvent. Pending disposal of the said petition, the petitioner filed I.A.No.26 of 2018 under section 31 of the Provincial Insolvency Act (hereinafter, referred to as 'the Act') to issue protection order directing respondents not to threaten and not to take steps for arrest of petitioner in execution petitions till disposal of the insolvency petition, contending that some of the respondents filed suits against him and respondent no.1 filed E.P.No.17 of 2016 and respondent no.2 filed E.P.No. 29 of 2016, respondent no.3 filed E.P.No.30 of 2016 for his arrest, whereas respondent no.13 filed C.C.No.349 of 2015 under section 138 of Negotiable Instruments Act with an intention to harass him.

(ii) The respondent nos.1 to 3 filed counters contending that the present petition is filed only with a view to escape the arrest and discharge the genuine debts and defraud the decree holders from realizing the fruits of the decree. It is further contended that section 31 of the Act only comes in to play only after declaring the petitioner as insolvent.

(iii) The learned trial Judge, upon hearing the counsel on record and upon perusing the material available on record, dismissed the petition holding that protection under Section 31 of the Act can be granted only after adjudicating the petitioner as insolvent.

(iv) The said dismissal order was assailed in CRP No.2902 of 2023.

4. The facts that led to filing of CRP Nos.2601 & 2694 of 2023, in brief, are that, for realisation of the decretal amount, the Decree holders filed Execution Petitions vide E.P.Nos.29 & 30 of 2016 for arrest of the Judgment Debtor. The Judgment Debtor/ petitioner filed counter stating that he filed I.P.No.7 of 2018 on the file of the Court of the learned Senior Civil Judge, Punganur and also filed I.A.No.26 of 2018 seeking protection order wherein interim orders of protection were passed which were in force till 07.03.2022 and thereafter the said interim protection order was not extended and hence

the Judgment Debtor filed petition seeking extension of interim protection order and also filed I.A.No.52 of 2022 for grant of stay of all further proceedings in the Execution Petition till disposal of I.P.No.7 of 2018 and the same is posted to 18.11.2022. Thereafter, the Judgment Debtor, questioning the arrest warrant issued against him in the subject E.P., filed Civil Revision Petition vide C.R.P.No.2228 of 2023 and the same was disposed of with a direction to the learned Senior Civil Judge, Punganur, Chittoor District to consider and pass appropriate orders on I.A.No.26 of 2018 in I.P.No.7 of 2018, if pending within a period of two (02) weeks from the date copy of the order is produced before the learned trial Court. The impugned docket orders, dated 03.10.2023 show that since the time granted by this Court to the Senior Civil Judge, Punganur for disposal of interim protection petition in I.A.No.26 of 2018 vide orders in CRP was elapsed, there is no reason to give the relief of not to arrest the J.D.R. Accordingly, ordered issuance of fresh arrest warrant against the J.Dr. with police aid on payment of process.

5.The said docket orders have been questioned in CRP Nos.2601 & 2694 of 2023.

6. Heard Sri N.Pamod, learned counsel for the petitioner, and Ms.Ayesha Azma S., learned counsel for respondent nos.1 to 3.

7. Sri N.Pramod, learned counsel for the petitioner, while reiterating the contents of the petition filed before the trial Court would contend that the learned trial Judge failed to exercise jurisdiction conferred upon by sections 23 and 31 of the Act in refusing to grant protection against the arrest and detention of the petitioner to Civil imprisonment and thus the order of the trial Court is vitiated. He would further contend that the learned trial Judge misinterpreted the scope and width of section 55(3) of the Civil Procedure Code and erroneously narrowed it down to mean that until the petitioner is arrested and brought before the Court, no order of protection shall be issued. He would further contend that unless the protection is granted, the respondents may obtain warrants and arrest the petitioner which would render the application filed by the petitioner otiose. He would further contend that the dismissal orders passed by the learned trial Judge are perverse and are liable to be set aside and accordingly, prayed to allow the Civil Revision Petition.

8. On the other hand, Ms.Ayesha Azma S., learned counsel for respondent nos.1 to 3 while reiterating the contents of the counter filed before the trial Court would contend that protection under Section 31 of the Act only comes into play after declaring the petitioner as an insolvent and

pending disposal of the insolvency petition, the Courts cannot grant protection under Section 31 of the Act and at the most the petitioner can seek protection under Section 23 of the Act whenever he was arrested in execution of warrant. She would further contend that the learned trial Judge analysed the scope of section 31 of the Act in proper perspective and rightly dismissed the application holding that Section 31 of the Act can be passed only after adjudicating the petitioner as insolvent and the said well considered order does not require interference of this Court and accordingly, prayed to dismiss the Civil Revision Petitions.

9. Perused the material available on record and considered the submissions made by learned counsel for the parties.

10. The learned trial Judge placed reliance on the decision of this Court in ***Sanapala Narasamma and others vs. Mallana Lakshmi Narayana and others***[1], wherein reliance was placed on the decision of High Court of Madras in ***Sinnaswamy Chettiar vs. Aligi Goundan***[2] in dismissing the petition.

[1]. 1995(5) ALT 755
[2]. AIR 1924 Madras 983

11. In ***Sinnaswamy Chettiar*** (supra 2) the High Court of Madras held that unless the judgment debtor is declared as insolvent, protection under Section 31 cannot be passed in favour of the petitioner and before adjudication, an insolvent has no right to be protected under Section 23 unless he is arrested in execution of a decree. Accordingly, the learned trial Judge dismissed the petition covered under the impugned orders on similar lines.

12. In ***Nallagatti Goundan v. Ramana Goundan and others***[3], while considering Section 5 of the Act, of course without referring to the judgment in Sinnaswamy Chettiar case, supra, a Division Bench has held that the District Court has inherent powers under Section 5 of the Act to pass protection order even before adjudication, which is as follows:

> "……. In our opinion, the District Judge has inherent powers under section 5 of the Provincial Insolvency Act to grant the appellant the protection he has claimed."

13. In ***Ramnad District Central Co-operative Bank, through its Secretary v. Official Receiver of Ramnad District, Ramnad at Madura***[4] another Division Bench of High Court of Madras while referring to Sections 4

[3]. AIR 1925 Madras 170
[4]. AIR 1954 Madras 12

and 5 of the Act and the power of the Insolvency Court to decide about the questions arising in insolvency and by correlating the corresponding provisions in English Act relating to the Law of Bankruptcy, has held that there is a discretion vested in the Court in the matter of granting injunction and it cannot be said that there is an absolute prohibition against the grant of injunction. By referring to an observation of Cotton L.J., In re Hart (1880) 15 Ch.D 223(C), where an order of injunction was refused, still the learned Judge has observed that the inherent powers of the Court in granting injunction in suitable cases are available, the Division Bench has held as follows:

> "*10*. It is seen from these observations that there is a discretion vested in the Court in the matter granting injunctions and not that there is an absolute prohibition against the grant of injunction. Though in '*Ex parte Bayly*, *In re Hart*', 1880 (15) Ch. D. 223 (C), the Court refused to grant the injunction, still observations in the judgment of Cotton L.J. at pages 226 and 227 do not negative the power inherent in the Court to issue the injunction in suitable cases. At page 227 we have the following statement by the learned Judge:
>
> > "Under such circumstances if the Court saw that there was a reasonable case to be tried at the hearing, it would interfere and keep the property '*in medio*' until at the hearing the rights of the parties could be decided."
>
> *11*. It is, therefore, clear that it cannot be said as an abstract proposition of law that the Insolvency Court in England never had that power. In India also there are judicial pronouncements as well as views of text books writers which do show the existence of such a power. Paragraph 74, at page 56 of the *Law of Insolvency* by D.P. Mulla is to the following effect:

"*Injunction*. Though the Court will not restrain a mortgagee or other secured creditor in the exercise of his legal remedies under Section 18 (*sic*.) of the Act, it may, it seems, restrain him under Order 39, Rule 1, C.P.C., 1908, if there are substantial grounds for impeaching its title."

14. In ***Ramalingam vs. Radha***[5]*,* Full Bench of High Court of Madras held that, therefore, a combined reading of the provisions as a whole, especially taking note of Sections 4 & 5 of the Act, we are of the considered view that there is no bar for the insolvency Court in exercising its inherent powers of granting interim orders before the adjudication process, as a matter of prevention.

15. At para-23 of the judgment, the Full Bench held thus:

> **"23.** After giving our anxious consideration to the matter and in the light of the principles laid down by the Supreme Court, we have no hesitation in holding that even before final adjudication, the Insolvency Court has inherent power to pass interim orders, of course, such interim order shall be passed depending upon the facts and circumstances of each individual case and to meet the ends of justice. The reference is answered accordingly. Consequently, with due respect, we are unable to agree with the view expressed by the learned Judges of the Division Bench of this Court in the case of *Sinnaswami Chettiar* v. *Aligi Goundan*, AIR 1924 Mad. 893 and the same stands over-ruled. We further subscribe the views expressed by the Division Bench in the case of *Nallagatti Goundan* v. *Ramana Goundan*, AIR 1925 Mad. 170; and *Ramnad District Central Co-operative Bank, through its Secretary* v. *Official Receiver of Ramnad District, Ramnad at Madurai*, AIR 1954 Mad.12……."

[5].2011 SCC OnLine Mad 888

16. The observations made by Full Bench clearly state that the view expressed in Sinnaswami Chiettiar, which was relied on by a learned Judge of this Court in ***Sanapala Narasamma and others***(supra 1) has been overruled. The Full Bench further held that even before final adjudication, the Insolvency Court has inherent power to pass interim orders, of course, such interim order shall be passed depending upon the facts and circumstances of each individual case and to meet the ends of justice

17. In view of the above, since the decision relied on by the learned trial Judge was based on an overruled decision and further in view of the observations made by Full Bench of the Madras High Court that interim order has to be passed basing on facts and circumstances of each case, this Court deems it proper to set aside the order impugned in CRP No.2902 of 2023 and remand the matter to trial Court for adjudication of the matter in light of the observations made by Full Bench of Madras High Court that insolvency Court is empowered to pass interim protection during pendency of the insolvency petition.

18. Regarding CRP Nos.2601 & 2694 of 2023, the material discloses that aggrieved by issuance of warrant of arrest the Judgment Debtor filed Civil Revision Petition vide CRP No.2228 of 2023 and the same was disposed

of by this Court vide orders dated 11.09.2023. For expediency, the relevant portion of the said order is extracted hereunder:

> "7. From perusal of the docket orders annexed, this Court finds that the interim protection continued upto 07.03.2022. The matter was reserved for orders fixing 30.03.2022 by order dated 22.03.2022 and on 30.03.2022, the matter was suo motu reopened, but while reopening suo motu the proceedings, the interim protection was not extended. On the previous dates 07.03.2022, 16.03.2022 and 22.03.2022 also the interim protection was not extended. Since then more than 1 ½ years has passed. Learned Senior Advocate also submitted that in O.S.No.1 of 2015 as also in some proceedings under the Negotiable Instructions Act, some decree/orders have been passed for which the execution proceedings are pending.
>
> 8. Consequently, it would not be appropriate for this Court to extend the interim protection which was previously granted by the learned Trial Court of which there is no extension since long. However, it is for the Trial Court to consider the petitioner's application I.A.No.26 of 2018, if still pending and pass appropriate orders taking into consideration, the overall fact situated with due opportunity to the parties concerned.
>
> 9. Therefore, without observing anything on the merits of the contention, if the interim protection required or did not require extension, this Civil Revision Petition is being disposed of finally with direction to the learned Senior Civil Judge, Punganur, Chittoor District to consider and pass appropriate orders on the petitoner's I.A.No.26 of 2018 in I.P.No.07 of 2018, if pending, expeditiously, within a period of two (02) weeks from the date copy of this order is produced before the learned Trial Court, with due opportunity of hearing to the respondents therein.
>
> 10. This order however would not come in the way of final disposal of I.P.No.07 of 2018 in accordance with law if there is no other legal impediment.
>
> 11. The Civil Revision Petition stands disposed of finally with the above observations and directions."

19. The record discloses that pursuant to the above orders passed in CRP No.2228 of 2023, the Judgment Debtor filed a memo before the Executing Court with the following:

> "It is submitted that the Honourable High Court while disposing CRP No.2228/2023 has given directions in I.A.No.26/2018 in I.P.No.7/2018 filed by the JDR on the file of the Senior Civil Judge, Punganur against order of arrest to dispose of the IA within the period of 2 weeks from the date of placing of the order.
>
> In view of the directions given in I.A.No.26/2018 in I.P.No.7/2018 this Honourable Court may be pleased not to issue fresh orders for the arrest of the JDR till the disposal of the I.A.No.26/2018 in I.P.No.7/2018 on the file of Senior Civil Judge, Punganur, in the interest of justice."

20. Thereupon, the impugned docket orders came to be passed. The relevant portion of the impugned order reads thus:

> "On perusing the record, the CRP 2228/2023 filed by the J.Dr. herein relates to the I.P.proceedings and there is no restrain order passed stalling this E.P. proceedings. Moreover, the period granted to the Senior Civil Judge, Punganur for disposal of the Interim Protection petition in I.A.No.26/2018 is also elapsed. So, this Court finds no reason to give the relief of being not arrested to the J.Dr. Hence, the memo filed by the learned counsel for the J.Dr. is not considered."

21. As rightly held by the executing Court, no restraint order stalling the E.P.proceedings was passed in CRP No.2228 of 2023 and that CRP was filed praying this Court to extend the interim order passed in I.A.No.26 of 2018 from 22.03.2022 till determination of the said application.

22. Even though, no restraint order was passed stalling the E.P.proceedings, it is pertinent to note that the said CRP was filed seeking extension of interim protection order granted in I.A.No.26 of 2018 from being arrested pursuant to the orders of the executing Court and this Court directed the Insolvency Court to dispose of the application within two (02) weeks from date when the said order is placed before the said Court.

23. Non disposal of I.A.No.26 of 2018 by the Insolvency Court within the time frame stipulated by this Court cannot be to the disadvantage of the Judgement Debtor, unless he by his wilful conduct cause any deterrence to disposal of the said application. More particularly, when this Court in CRP directed the Insolvency Court to dispose of the application but did not direct the petitioner to obtain extension of orders by fixing a time frame.

24. It is relevant here to note that the Constitutional Courts have consistently emphasized that courts must exercise extreme caution when dealing with matters involving personal liberty, even in civil proceedings, as the right to life and liberty under Article 21 of the Constitution is foundational and cannot be lightly curtailed. While personal liberty is primarily protected against State action in criminal cases, civil courts are also bound to ensure that procedural safeguards are not violated, as even civil imprisonment or

restrictions can result in "punitive content" before a final adjudication of guilt or liability.

25. In view of the observations made in CRP No.2902 of 2023, setting aside the orders impugned thereon and remanding the matter directing the Insolvency Court to pass orders afresh, the docket orders dated 03.10.2023 passed in E.P.No.29 of 2016 in O.S.No.118 of 2014 and E.P.No.30 of 2016 in O.S.No.1 of 2025 on the file the Court of the learned Principal Senior Civil Judge, Madanapalle, are kept in abeyance till final adjudication of I.A.No.26 of 2018 in I.P.No.7 of 2018.

26. Accordingly, the Civil Revision Petition in CRP No.2902 of 2023 is partly allowed setting aside the order dated 13.10.2023 passed in I.A.No.26 of 2018 in I.P.No.7 of 2018. The matter is remanded to learned Senior Civil Judge, Punganur for fresh adjudication of the petition within a period of six (06) weeks from the date on which copy of this order is produced before the trial Court. The petitioner shall cooperate for expeditious disposal of the petition. There shall be no order as to costs.

27. Accordingly, the Civil Revision Petition Nos.2601 & 2694 of 2023 are disposed of and the orders dated 03.10.2023 are kept in abeyance pending the final adjudication of I.A.No.26 of 2018 in I.P.No.7 of 2018 by the learned Principal Senior Civil Judge, Punganur. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

1st May, 2026.

RR

Note: L.R. copy be marked.

B/o

RR