



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

**[3460]**

THURSDAY, THE SECOND DAY OF JANUARY  
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

**CIVIL REVISION PETITION NO: 1864/2023**

**Between:**

Pothula Vijayalakshmi and Others

**...PETITIONER(S)**

**AND**

Nama Rani

**...RESPONDENT**

**Counsel for the Petitioner(S):**

1.V R MAHESWARA RAO PALETI

**Counsel for the Respondent:**

1.V SUBRAHMANYAM

**The Court made the following order:**

**THE HON'BLE SRI JUSTICE NYAPATHY VIJAY**

**CIVIL REVISION PETITION No.1864 OF 2023**

**ORDER:**

This Civil Revision Petition filed against the order, dated 19.09.2022 passed in E.P.No.24 of 2017 in O.S.No.1008 of 2016 on the file the II Additional Junior Civil Judge, Vijayawada.

2. The petitioners are the defendants. The suit was filed by the respondents seeking to restrain the defendants by way of permanent injunction in creating any hurdles at the time of obtaining drainage connection to the plaint schedule property. The said suit was decreed on 31.03.2017.

3. In spite of the decree, it was alleged that the petitioners-defendants were interfering with the laying of drainage lines. The plaintiff filed E.P. under Order 21, Rule 32 of C.P.C., seeking for arrest of the petitioners for intentional violation of the decree. The trial court after appreciating evidence, allowed the E.P. with costs and hence, the present Civil Revision Petition is filed.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioners submits that the petitioners are women and there was no intentional violation of the decree. An affidavit was also filed on 28.12.2024 *vide* U.S.S.R.No.12387 of 2024, undertaking that they will not violate the Judgment and Decree in future also. The counsel for the respondent did not insist on the petitioners being sent to civil prison as they were women and suggested for any other punishment.

5. After examining the respective contentions, this Court is of the opinion that petitioners being women, under misconception and out of ignorance, might have interfered with the execution of the decree. A lenient view is required since the drainage line was laid and decree stood executed.

6. A perusal of the undertaking, more particularly paragraph No.4 reads as under:

*“4. It is respectfully further submitted that the petitioners herein obey the order and judgment in E.P.No.24 of 2017 in O.S.No.1008 of 2016, dated 19.09.2022 on the file of the II Additional Junior Civil Judge Court, Vijayawada, and further undertook that the petitioners herein in future also, will not violate the judgment and decree in O.S.No.1008 of 2016 and under took that in future also, the petitioners will never interfere with the peaceful possession and enjoyment of the suit schedule property by the plaintiffs in the suit and also will not resist the authorities in future course of action including laying of drainage line from the schedule property to the Government line.”*

7. In view of the execution of the decree as sought by the plaintiff and considering the undertaking given by the petitioners stating that they will not violate the order, and that they will abide by the judgment and decree 31.03.2017 in future, the order impugned is hereby set-aside. It is made clear that any violation of the undertaking in future will be viewed as contempt of court and this court will initiate contempt proceedings against the petitioners.

8. Accordingly, the Civil Revision Petition is allowed. No costs.

As a sequel, the miscellaneous petitions, if any, shall stand dismissed.

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**NYAPATHY VIJAY, J**

Date: 02.01.2025  
PKR

**THE HON'BLE SRI JUSTICE NYAPATHY VIJAY**

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Date: 02.01.2025  
PKR