

APHC010096942024



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

[3332]

PRESENT:THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 422/2024

Along with

CIVIL REVISION PETITION Nos.424, 425 & 426 of 2024

CIVIL REVISION PETITION No.422 of 2024

Between:

1. SAREPALLI MANI KUMARI,, W/O S SARATH BABU, AGED ABOUT 48 YEARS, OCC- HOUSE WIFE, R/OTHOTAVARI VEEDI, NANDAMURI NAGAR, NTR DISTRICT

...PETITIONER

AND

1. SAREPALLI SRINIVASA RAO, S/O S VENKATESWARA RAO AGED ABOUT 59 YEARS, OCC- BUSINES,

2. SAREPALLI SOBHA RANI, W/O.S SRINIVASA RAO AGED ABOUT 53 YEARS , OCC- HOUSE WIFE BOTH THE RESPONDENTS ARE RESIDENTS OF DOOR NO-1-4-287, LALITHANOTE- NIVAS, RTC WORKSHOP ROAD, BHAVANIPURAM, VIJAYAWADA, PIN - 520012.

...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 to allow the above Civil Revision Petition setting aside the Order, dated 23.02.2024 in I.A.No.35 of 2024 in O.S.No.12 of 2021 on the file of the Court of the Principal Senior Civil Judge, Gudivada, Krishna District, and pass

IA NO: 1 OF 2024

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 dispense with from filing the Certified copy of the Order

dated 23.02.2024 made in IA.No.35/2024 in O.S.No.12 of 2021 on the file of the Court of the Senior Civil Judge, Gudivada, Krishna District, and pass

IA NO: 2 OF 2024

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 stay all further proceedings in O.S.No.12 of 2021 on the file of the Court of the Senior Civil Judge, Gudivada, Krishna District, and pass

Counsel for the Petitioner:

1.V R REDDY KOVVURI

Counsel for the Respondent(S):

1.YADAVALLI RAMESH

CIVIL REVISION PETITION NO: 424/2024

Between:

1.SAREPALLI MANI KUMARI, W/O S SARATH BABU, AGED ABOUT 48 YEARS, OCC HOUSE WIFE, R/O THOTAVARI VEEDI, NANDAMURI NAGAR, NTR DISTRICT

...PETITIONER

AND

1.SAREPALLI SRINIVASA RAO, S/O S VENKATESWARA RAO AGED ABOUT 59 YEARS, OCC BUSINES,

2.SAREPALLI SOBHA RANI, W/O.S SRINIVASA RAO AGED ABOUT 53 YEARS , OCC HOUSE WIFE BOTH THE RESPONDENTS ARE RESIDENTS OF DOOR NO 1-4-287, LALITHA NIVAS, RTC WORKSHOP ROAD, BHAVANIPURAM, VIJAYAWADA, PIN - 520012.

...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 to Pleased to stay all further proceedings in I.A.No.782of 2023 in O.S.No.12 of 2021 in the file of the Court of the Principal Senior Civil Judge, Gudivada, Krishna District, and pass

Counsel for the Petitioner:

1.V R REDDY KOVVURI

Counsel for the Respondent(S):

1.YADAVALLI RAMESH

CIVIL REVISION PETITION NO: 425/2024

Between:

1.SAREPALLI MANI KUMARI,, W/O S SARATH BABU, AGED ABOUT 48 YEARS, OCC- HOUSE WIFE, R/O THOTAVARI VEEDI, NANDAMURI NAGAR, NTR DISTRICT

...PETITIONER

AND

1.SAREPALLI SRINIVASA RAO, S/O S VENKATESWARA RAO AGED ABOUT 59 YEARS, OCC- BUSINES,

2.SAREPALLI SOBHA RANI, W/O.S SRINIVASA RAO AGED ABOUT 53 YEARS , OCC- HOUSE WIFE NOTE- BOTH THE RESPONDENTS ARE RESIDENTS OF DOOR NO- 1-4-287, LALITHA NIVAS, RTC WORKSHOP ROAD, BHAVANIPURAM, VIJAYAWADA, PIN - 520012.

...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 to allow the above Civil Revision Petition setting aside the Order, dated 12.12.2023 made in I.A.No.784of 2023 in O.S.No.12 of 2021 in the file of the Court of the Principal Senior Civil Judge, Gudivada, Krishna District, and pass

IA NO: 1 OF 2024

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 stay all further proceedings in I.A.No.784 of 2023 in O.S.No.12 of 2021 on the file of the Court of the Principal Senior Civil Judge, Gudivada, Krishna District, and pass

Counsel for the Petitioner:

1.V R REDDY KOVVURI

Counsel for the Respondent(S):

1.YADAVALLI RAMESH

CIVIL REVISION PETITION NO: 426/2024

Between:

1.SAREPALLI MANI KUMARI, W/O S SARATH BABU, AGED ABOUT 48 YEARS, OCC HOUSE WIFE, R/O THOTAVARIVEEDI, NANDAMURI NAGAR, NTR DISTRICT

...PETITIONER

AND

1.SAREPALLI SRINIVASA RAO, S/O S VENKATESWARA RAO AGED ABOUT 59 YEARS, OCC BUSINES,
2.SAREPALLI SOBHA RANI, W/O.S SRINIVASA RAO AGED ABOUT 53 YEARS , OCC HOUSE WIFE

...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 to allow the above Civil Revision Petition setting aside the Order, dated 12.12.2023 made in I.A.No.783 of 2023 in O.S.No.12 of 2021 in the file of the Court of the Principal Senior Civil Judge, Gudivada, Krishna District, and pass

Counsel for the Petitioner:

1.V R REDDY KOVVURI

Counsel for the Respondent(S):

1.YADAVALLI RAMESH

RESERVED ON	31.03.2026
PRONOUNCED ON	29.04.2026
UPLOADED ON	29.04.2026

COMMON ORDER

The Civil Revision Petitions vide CRP Nos. 424, 425 & 426 of 2024 are filed questioning the legality and correctness of the orders dated 12.12.2023 passed in I.A.Nos.782, 783 & 784 of 2023 in O.S.No.12 of 2021 by the learned Principal Senior Civil Judge, Gudivada, whereas CRP No.422 of 2024 is filed questioning the docket proceedings dated 23.02.2024 in receiving the additional chief affidavit of P.W.1.

2. Inasmuch as the Civil Revision Petitions stem out of the orders passed in interlocutory applications and consequential receipt of additional chief affidavit of P.W.1 in the suit in O.S.No.12 of 2021, they are heard together and are being disposed of by this common order.

3. The facts that led to filing of the Civil Revision Petitions, in brief, are that:

(i) The respondents filed the suit vide O.S.No.12 of 2021 for recovery of the amount due under the mortgage deed executed by the petitioner. The defendant filed written statement contending that she entered into an agreement of sale with one Ravella Swetha Arun on 4.1.2018 having received Rs.25,00,000/- agreeing to sell the plaint schedule property for Rs.30,00,000/- and the balance of Rs.5,00,000/- has to be paid within an year therefrom and thereafter the plaintiffs making her and her husband to believe that they

would pay the earnest sale consideration paid by Ravella Swetha Arun and paid Rs.20,00,000/- to the defendant by way of cheques and when the defendant questioned about payment of the remaining Rs.5,00,000/-, they assured her to pay the same immediately after registration, however, they did not pay even after registration and postponing the same and therefore, the mortgage deed is devoid of consideration of Rs.5,00,000/- and though the plaintiffs took from the defendant the amount of Rs.20,00,000/- stating that they would pay the same to Ravella Swetha Arun, the defendant learnt that the plaintiffs did not pay Rs.20,00,000/- to Ravella Swetha Arun as promised by them, which was the true intention behind the execution of mortgage deed. During the course of trial, P.W.1 was examined and Exs.A1 to A11 were marked on behalf of the plaintiff. Thereafter, the defendant got marked Ex.B1-served copy of notice issued to 1st plaintiff in I.A.No.417 of 2021 in O.S.No.621 of 2005 on the file of the Court of the learned Principal Senior Civil Judge, Vijayawada. When the suit stood posted for arguments, the plaintiffs filed the petitions to reopen the suit, to receive as many as eleven (11) documents and recall P.W.1 for the purpose of marking those documents.

(ii) The respondent resisted the relief sought in the petitions by filing counters contending that the documents now sought to be filed are irrelevant for adjudication of the instant suit and moreover the plaintiffs did not offer

any satisfactory explanation for not filing the documents earlier till completion of evidence of both sides and that too when there is no foundational pleadings regarding the documents in the plaint and that the list of documents since are in the nature of secondary evidence do not carry any probative value and are not permissible to mark as evidence.

(iii) The learned trial Judge upon hearing the learned counsel for the parties and upon perusal of the material on record, allowed the petitions.

(iv) The orders passed by the learned Trial Judge in allowing the petitions and the consequential docket proceedings of the suit in receiving the additional chief affidavit of P.W.1 are assailed in these Civil Revision Petitions.

4. Heard Sri V.R.Reddy Kovvuri, learned counsel for the petitioner/defendant and Sri A. Sai Naveen, learned counsel for respondents/plaintiffs. The learned counsel for petitioner/defendant also submitted written arguments.

5. Sri V.R.Reddy Kovvuri, learned counsel for the petitioner, while reiterating the contents of the counters filed in trial Court and the grounds of Civil Revision Petitions would contend that the petitions lack justification for seeking the reliefs and they do not exhibit even a single reason for delayed filing of the documents and their relevancy to the facts of the case and though the learned trial Judge having found that the documents are not at all

relevant to the facts of the case ought not to have allowed the petitions. He would further contend that Ex.B1 is a mere served copy of the notice to the 1st plaintiff in a Final decree Petition in a suit vide I.A.No.417 of 2021 in O.S.No.621 of 2005 on the file of the Court of Principal Senior Civil Judge, Vijayawada and the proposed documents which are no way connected to Ex.B1 cannot be received under the garb of rebutting the said document. He would further contend that since by filing documents the plaintiffs want to introduce new factual assertions at arguments stage and hence the documents cannot be received in contraventions of Order-VII, Rule-14 and Order-XXXIII, Rule-1 of Code of Civil Procedure. He would further contend that the learned trial Judge having concluded that neither Ex.B1 nor the documents filed by the plaintiffs bear relevant to the suit proceedings ought to have dismissed the petitions, however, erroneously allowed the petitions thereby committed a manifest legal error. He would further contend that in view of the settled principle of law that relevancy of the document bears the prime criterion at the time of deciding the petitions filed for reception of the documents, however, the learned trial Court having found that the documents are no way relevant for adjudication of the suit, erroneously allowed the applications and therefore, they are to be interfered with by this Court by exercising supervisory jurisdiction under Article 227 of the Constitution. Accordingly, prayed to allow the Civil Revision Petitions.

6. On the other hand, Sri A. Sai Naveen, learned counsel for respondents, while reiterating the contents of the affidavits filed in trial Court would contend that a plaintiff can be permitted to file additional documents, even if they were not referred to in the original plaint, to counter the defendant's evidence (Ex.B1) after the closure of the defendant's evidence. He would further contend that in order to disprove Ex.B1, the subject documents and recall of P.W.1 for the purpose of marking the documents became necessary and essential and thus the learned trial Judge upon analysis of the facts and circumstances of the case in order to advance substantial justice rightly allowed the petitions. He would further contend that the defendant marked Ex.B1, which has nothing to do with the suit claim and therefore the true facts regarding the said document Ex.B1 can only be brought out by marking the proposed documents and therefore, the learned trial Judge had rightly allowed the petitions and the said orders do not need any interference of this Court. Accordingly, prayed to dismiss the Civil Revision Petitions.

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

8. At the outset it is relevant here to note that the principle that a Court is not a post office to receive every document filed without verifying the relevancy is a well-established cornerstone of Indian jurisprudence. It

emphasizes that courts must actively scrutinize materials to prevent them from becoming passive recipients of documents, ensuring instead that only relevant and admissible evidence is considered.

9. The impugned order in clear terms state that Ex.B1 is nothing but a served copy of notice to the 1st plaintiff in I.A.No.417 of 2021 in O.S.No.621 of 2005 on the file of the Court of the learned Principal Senior Civil Judge, Vijayawada and nothing is elicited either by the plaintiffs or by the defendants in their respective pleadings in what way Ex.B1 is relevant to the suit proceedings. Further, the learned trial Judge had given a categorical finding in the impugned orders that Ex.B1 and the documents filed by the plaintiffs are no way relevant to the suit proceedings. Having thus held, the trial Court ought not to have allowed the petition for the mere reason that no prejudice would be caused to the other side.

10. The prime dispute that is to be resolved in this case is the truth or otherwise of the mortgage deed sought to be enforced in light of the written statement averments. For the said purpose the documents now sought to be filed are no way relevant in the considered opinion of the trial Court and therefore, reception of the documents by reopening the suit and for the said purpose recalling P.W.1 for the purpose of marking becomes otiose. For such an ineffectual purpose reopening the suit which is at the stage of arguments for letting in evidence, which considered to be of irrelevant by the trial Court

even, is unsustainable. Therefore, the orders impugned in these Civil Revision Petitions are to be interfered with and they are liable to be set aside.

11. Accordingly, the Civil Revision Petitions are allowed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

29TH April, 2026.

JUSTICE RAVI CHEEMALAPATI
RR