



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

[3311]

Tuesday, the Twenty Fourth day of March, Two Thousand and Twenty Six

Present

The Honourable Ms Justice B.S.Bhanumathi

Civil Revision Petition No.132 of 2026

Between:

1.M.Neelakanta Reddy, S/o.Adinarayana Reddy, aged about 36 years, occupation : cultivation, R/o.D.No.3-21, Damavandlapalli, H/o.Kadiri-Poolakunta, Nallacheruvu Mandal, Sri Satya Sai District.

...Petitioner / Petitioner in I.A.No.602 of 2025/ petitioner / plaintiff in
O.S.No.07 of 2020

and

1.Shaik Ameena Bee, W/o.Hydervali, aged about 65 years, occupation : cultivation, R/o.D.No.6-137, Gundluru Street, Madanapalle Town Chittoor District.

2.Shaik Raziya Banu, D/o.Hydervali, aged about 36 years, occupation : Housewife, R/o.D.No.6-137, Gundluru Street, Madanapalle Town Chittoor District.

...Respondents / Respondents in I.A.No.602 of 2025 / Respondents /
Defendants in O.S.No.07 of 2020

Counsel for the petitioner:

1.Ayesha Azma.S.

Counsel for the respondents:

Nil

The Court made the following order:

This revision petition is filed under Article 227 of the Constitution of India against the order dated 15.12.2025 dismissing I.A.No.602 of 2025 filed under Section 151 C.P.C. to restore I.A.No.501 of 2025 filed to reopen evidence of the petitioner / plaintiff in the suit in O.S.No.07 of 2020 on the file of the Court of Senior Civil Judge, Kadiri.

2. The petitioner filed the suit for specific performance of contract. After examination of P.Ws.1 to 3 on his behalf, the suit was adjourned to 20.03.2025 for further evidence, but the petitioner stated that he could not secure material witness in time and the trial Court closed his evidence and therefore, the petition in I.A.No.501 of 2025 was filed in September, 2025, in response to which counter was filed by the defendants opposing the petition stating that the plaintiff himself had reported to Court that there was no further evidence and accordingly evidence was closed, however, this petition was filed without disclosing the purpose to reopen and the witness whom to be examined. I.A.No.501 of 2025 was allowed on 28.10.2025 with a condition that the petitioner shall pay costs of Rs.1,000/- to the defendants by 04.11.2025 and produce P.W.4, failing which the petition stands dismissed and time would not be enlarged nor would the matter be adjourned in this regard. The petitioner paid costs as per the stipulation, but P.W.4 was not produced. Hence, the petition stood dismissed on 04.11.2025 consequent to the conditional order dated 28.10.2025.

3. Then, the petitioner filed I.A.No.602 of 2025 stating that P.W.4 had been admitted in hospital on 03.11.2025, by enclosing medical record and therefore, the absence of P.W.4 was due to unforeseen reasons and unintentional. The petition was opposed by filing the counter of the defendants stating that the suit was coming up for arguments and that the medical record

was created for the purpose of filing the petition and that there are no tenable grounds to allow the petition which was filed just to drag on the proceedings.

4. After hearing both the parties, the trial Court dismissed the petition holding that the medical record discloses that P.W.4 was not admitted in the hospital as inpatient, but just visited the hospital on 03.11.2025 and he was advised to take general medicines like pantop and that the record further shows that some other normal medicines were prescribed to him on 04.11.2025 and therefore, it is incorrect to state that P.W.4 was admitted in the hospital as a reason for his absence before the Court. The trial Court further recorded that P.W.4 is not a crucial witness as he is neither the attestor nor the scribe of the agreement of sale / Ex.A1 and no prejudice would be caused to the petitioner even if I.A.No.501 of 2025 is not restored.

5. Aggrieved by the order, this revision petition was filed mainly contending that the trial Court ought to have considered that though the condition to pay the costs was complied, P.W.4 could not be produced due to his personal reason of medical condition by properly appreciating the medical evidence and allowed the petition to adduce further evidence, instead of dismissing the petition on technical grounds.

6. Notices were sent to respondents Nos.1 and 2 by Registry to the addresses given as per the cause title, but the same were returned with an endorsement "no such person in this door number, returned to sender".

The learned counsel for the petitioner also was permitted to take out personal notices to the respondents Nos.1 and 2 and their counsel before the trial Court, but the notices to the parties were returned with an endorsement "no such person in this D/N (door number) hence RTS (returned to sender)" and notice to the counsel for respondents before the trial Court was returned with an endorsement "no such person in this address, hence RTS (returned to sender)."

Since the notices were sent to the addresses as given before the trial Court, it is deemed to be proper service of notice.

7. Heard the learned counsel for the petitioner. A perusal of the medical record of the proposed witness by name Shaik Khazapeer shows that he complained, on 03.11.2025, fever, vomiting, headache and abdominal pain for which the doctor prescribed six medicines and not just 'pantop' and also visited the hospital on 04.11.2025 and again four more medicines were prescribed, he had no fever spikes on that day. The doctor further prescribed bed rest for three days. Though there is a note "admission" on 03.11.2025, there is no record of admission and discharge. The record does not show any circumstances which indicate that this document is created. If the party is not in a position to comply the direction of the Court to produce the witness for reasons not in his hands, impossibility to comply the condition is not a lapse of the party. Therefore, if any inconvenience is caused to the Court or the other party, by imposing some terms as to further costs, the petitioner ought to have been given a chance to produce the witness since already I.A.No.501 of 2025 was allowed on merits on satisfaction of the Court that further evidence is required. Since the trial Court failed to exercise its jurisdiction in proper way to render complete justice on merits, it is a fit case to interfere with the order of the trial Court.

8. In the result, the revision petition is allowed and the order dated 15.12.2025 in I.A.No.602 of 2025 in I.A.No.501 of 2025 in O.S.No.07 of 2020 on the file of the Court of Senior Civil Judge, Kadiri is set aside and I.A.No.602 of 2025 is allowed on the condition that the petitioner shall further pay Rs.2,000/- as costs to the defendants on or before 26.03.2026 and produce the witness on 26.03.2026, failing which the petition stands dismissed without any further order.

There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in this civil revision petition shall stand closed.

JUSTICE B.S. BHANUMATHI

Dated. 24.03.2026
GRL
Note:
CC today

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The Honourable Ms. Justice B.S.Bhanumathi

C.R.P. No.132 of 2026

Dated. 24.03.2026

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Note:

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