APHC010477252026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3331]
(Special Original Jurisdiction)

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 2526/2026

Between:

1. DHARANI STARCH PRODUCTS LIMITED, REP. BY ITS DIRECTOR,INDUKURI NAGA VENKATA KRISHNAM RAJU,S/O. SIVA RAMA RAJU, AGED ABOUT 42 YEARS,RIO. FLAT NO.209, MY HOME AVATAR,PUPPALAGUDA, NARSINGI, HYDERABAD,TELANGANA-500089.CELL NO.9502033485

...PETITIONER

AND

1. PELLURU CHANDRASEKHAR REDDY, S/o. Late Dasaradha Rami Reddy,Aged about 89 years, Hindu,R/oiskapalem Village,VenkatachalamMandal,SPSR Nellore District- 524323.Cell No.8985153335

...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 tobegs to present this Memorandum of Civil Revision Petition, aggrieved by the order dated 28.08.2026 in I.A.No.205 of 2026 in O.S. No.94 of 2022 on the file of the IV Additional District Judge, Nellore

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 stay the all further proceedings in O.S. No.94 of 2022 on the file of the IV Additional District Judge, Nellore, pending disposal of the main C.R.P., and pass

Counsel for the Petitioner:

1. Y V S S DHARANEESH

Counsel for the Respondent:

1.

The Court made the following:

ORDER

The plaintiff in the suit filed the above revision against the order dated 28.08.2026 in I.A.No.205 of 2026 in O.S.No.94 of 2022 on the file of the IV Additional District Judge, Nellore.

2. The plaintiff filed the suit O.S.No.94 of 2022 against the defendant for recovery of mortgage money on the strength of registered mortgage deed bearing document No.1995 of 2019, dated 24.09.2019. The plaintiff, represented by its Director, filed the above suit. In the suit, P.W.1 was examined, and the suit is coming up for further evidence of the plaintiff. At this juncture, the plaintiff filed I.A.No.205 of 2026 under Order VII Rule 14(4) of CPC to receive the documents, i.e. CIN (Corporate Identification Number), Bank statement of Punjab National Bank and independent auditor's report. In the affidavit filed in support of the petition, it was pleaded that the documents referred to in the petition are necessary.

3. A counter was filed by the defendant and opposed the application, stating that the documents are not relevant and are inadmissible in evidence.

4. The trial Court, by relying upon the judgment of the Hon'ble Apex Court in **Vadiraj Naggappa Verneker (deceased by LRs) Vs. Sharad Chand Prabhakar Gogate**[1], dismissed the application. The trial Court concluded that the petitioner failed to file the document prior to the cross-examination and is now trying to fill up the lacuna and hence, it is not permissible.

[1] AIR 2009 SC 1604

5. This Court ordered notice and permitted the learned counsel for the petitioner to take out personal notice to the respondent as well as learned counsel appearing on behalf of the respondent in the trial Court. Proof of service is filed vide CRPUSR No.715431 of 2026 dated 30.09.2026. As seen from the postal endorsement, the respondent refused to receive the cover, and hence, it was returned to the sender. In respect of personal notice to the advocate, it was served on the learned counsel before the trial Court. Despite service, there is no representation on behalf of the respondent.

6. Now, the point for consideration is:

Whether the order dated 28.08.2026 in I.A.No.205 of 2026 in O.S.No.94 of 2022 on the file of IV Additional District Judge, Nellore, suffers from illegality warranting interference?

7. The plaintiff filed the suit against the defendant on the strength of a registered mortgage deed. No doubt, certain questions were put to P.W.1 in his cross-examination regarding the documents sought to be marked. The documents now sought to be marked are CIN (Corporate Identification Number), Bank statement of Punjab National Bank and Independent Auditors report. The relevancy and admissibility will be decided at an appropriate time.

8. The rules of procedure are made to advance the cause of justice and not to defeat it. Construction of the rule or procedure which promotes justice and prevents miscarriage has to be preferred. The rules or procedure are handmaidens of justice and not its mistress. The petitioner could explain reasons for non-filing the same at the earliest. By receiving those documents, advantage, if any, accrued to the respondent would not be nullified. If the documents are exhibited by following the procedure, the respondent/ defendant will cross-examine the witness.

9. Considering the facts and circumstances of the case, given Ex.A1 mortgage deed transaction, the documents filed along with I.A., in the considered opinion of this Court, cannot be construed to fill up lacuna. However, since the documents were filed belatedly, the trial Court ought to have compensated the defendant by allowing the application. Since the trial Court failed to exercise the jurisdiction vested with it, the order impugned brooks interference while exercising the jurisdiction under Article 227 of the Constitution of India.

10. Accordingly, the Civil Revision Petition is Allowed. The order dated 28.08.2026 in I.A.No.205 of 2026 in O.S.No.94 of 2022 on the file of IV Additional District Judge, Nellore, is set aside. I.A.No.205 of 2026 is allowed, subject to the petitioner paying an amount of Rs.10,000/- (Rupees ten thousand only) to the respondent/defendant within a period of two weeks. In default of payment of the amount within time, this order automatically stands rescinded, without reference to further orders of this Court. If the respondent/defendant refuses to receive the said amount, the petitioner/plaintiff shall deposit the same before the District Legal Services Committee, Nellore and file a memo to that effect before the trial Court. The document shall be received subject to admissibility, proof, and relevancy. No order as to costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

JUSTICE SUBBA REDDY SATTI

PVD