APHC010556952026

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI **[3311]**

(Special Original Jurisdiction)

Saturday, the 21st day of November, 2026

Present

The Honourable Ms. Justice B. S. Bhanumathi

Civil Revision Petition No.3014 of 2026

Between:

Imthiyaz Ahammad S/o. Syed Jaffer, Age: 46 years, Managing Director, Renati Automobiles Private Limited, Ananthapuramu.

….Petitioner / defendant No.1

And

1. R. Sreenivas Chowdary S/o. R. Saroja Naidu, Age: 40 years, R/o. Flat No.102, Rajahamsa palace, R.T.C. Bus stand road, Ananthapuramu.

…Respondent / Plaintiff

2. R.Vaninath Reddy, S/o. Renati Venkata Reddy, Age: 51 years, R/o. Authorised dealer, Royal Enfield, beside Hari Kiran Dhaba, Rudram Peta, Ananthapuram.

….Respondent / defendant No.2

Counsel for the petitioner:

1. Sridhar Tummalapudi

Counsel for the respondents:

1. P. V. Mahesh

The Court made the following:

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed aggrieved by the order, dated 11.09.2026, dismissing I.A. No.1280 of 2026 in O.S. No. 43 of 2017 on the file of the Court of the Principal District Judge, Ananthapuram, filed by the petitioner / defendant No.1. The petition vide **I.A. No. 1280 of 2026** is filed by the petitioner / defendant No.1 under Order VIII, Rule 1-A (3) and Section 151 C.PC. to grant leave to the petitioner to receive the petition schedule mentioned documents on behalf of the petitioner and mark them as exhibits on his behalf.

2. The facts, briefly stated, are as follows:

a. The plaintiff filed the suit against the defendants Nos.1 and 2 for recovery of Rs.60,11,950/- basing on two promissory notes, both dated 11.03.2015, for a total amount of Rs.40,00,000/-, allegedly executed by the defendant No.2.

b. The suit was opposed by the defendant No.1 by filing written statement denying the suit transactions and further stating that the plaintiff and this defendant are alien to each other; that the defendant No.1 and the defendant No.2 are not any partners nor are they doing any business together; that the defendant No.2 absconded from Ananthapuramu town and has not been seen for four years; that the defendant No.1 has no knowledge of the whereabouts of the defendant No.2; that on 31.01.2015, the defendant No.2 transferred all his shares and retired from the company Renati Automotives Private Limited and thereby, he is no way concerned with the company or functioning or business transactions of the company, either directly or indirectly; that the suit promissory notes were

fabricated and brought into existence with the aid of the scribe and the witnesses and *mala fide* intention to cause humiliation to this defendant to gain money under false pretexts; and that the plaintiff had no such capacity to lend huge unaccounted amounts and moreover there was no need to borrow the amount in the suit promissory notes.

c. The petitioner stated that the alleged suit promissory notes dated 11.03.2021, said to have been executed by the respondent No.2 / the defendant No.2 showing him as the Managing Partner of the Renati Automotives Private Limited and therefore, the dispute entirely resolves around that date, since the defendant No.2 had ceased to be a director well before the date of the suit promissory notes. Therefore, the petitioner stated that the documents mentioned in the above list are material for the purpose of adjudication of the suit on merits.

d. Pending the suit, initially, the defendant No.1 filed I.A.No.1474 of 2025 under Order XVI, Rule 16 read with Section 151 C.P.C. to direct the Registrar of Companies, Vijayawada (Ministry of Corporate Affairs) to send the true copies of the following documents for the period specified between 01.01.2012 and 31.12.2016.

Sl. No.	Document
1.	Form DIR-12 / old Form 32 showing appointment and cessation of Directors, particularly cessation of Mr. R. Vaninath Reddy (DIN 02255332).
2.	Annual Returns (Form MGT-7 or Form 20B) for F.Ys. 2012-13 to 2015-16.
3.	Balance sheet and profit and loss filings (Form AOC-4 / Form 23 AC-23ACA) for the same period.
4.	Form MGT-14 (if any) evidencing Board or shareholder resolutions authorising borrowings.

5.	Return of allotment (Form PAS-3) and share transfer forms (SH-4/SH-7) filed during 2012-16.
6.	Index of charges and any Form CHG-1 / CHG-4 filed.
7.	Form INC-22 (if any) evidencing change of registered office.
8.	Certified signatory details report showing authorized signatories as on 31st March, 2015
9.	Certified Index of filings / search report covering 2011-16

The petition was opposed by the plaintiff. The petition was dismissed by the trial Court. Aggrieved by the same, a revision petition, vide C.R.P.No.478 of 2026 was filed by the defendant No.1.

3. After hearing both parties, the revision petition was dismissed. However, it was observed that it is open for the petitioner / defendant No.1 to adduce such evidence as per law. The trial Court's observation that those documents have no corresponding pleadings and need not be proved was held to be incorrect, since it is the defence of the defendant No.1 that defendant No.2 had resigned from the Directorship before the date of suit promissory note, yet the defendant No.1 was shown as Managing Partner in the suit promissory note and the role of the defendant No.2 as on the date of the suit promissory note is relevant on the issue whether the defendant No.2 executed the suit promissory note.

4. In view thereof, the defendant No.1 again filed I.A.No.1280 of 2026 under Order VIII, Rule 1A (3) C.P.C. seeking leave to file the following list of documents:-

Sl. No.	Date	Description of the document	Remarks
1	31.01.2015	Form No. SH-4 – Securities Transfer Form, executed by Mr. Vaninath Reddy Renati in favour of Mr. SyedImthiyaz Ahamed transferring his shares; registered before the Sub-Registrar, Jayanagar, Bangalore	Original

2	31.01.2015	Share certificate, dated 31.01.2015 issued by Renati Automotives Pvt. Ltd. In favour of Mr. Syed Imthiyaz Ahamed; registered before the Sub-Registrar, Jayanagar, Bangalore	Original
3	--	Cancelled share certificate issued by Renati Automotives Pvt. Ltd., in favour of Mr. Vaninath Reddy Renati	Original
4	25.06.2026	Covering letter addressed by the Registrar of Companies, Vijayawada to Imthiyaz Ahamed Syed in response to the application filed for grant of certified copies	Original
5	12.06.2026	Fee paid receipt Rs.626/- for grant of certified copies vide SRN No.UU3062410	-do-
6	31.01.2015	Disclosure of interest (MBP-1) submitted by Additional Director – Mr. Madhusudan Vasakarla for Renati Automotives Pvt. Ltd.	-do-
7	31.01.2015	Disclosure of interest (MBP-1) submitted by Additional Director – Mr. Syed Imthiyaz Ahamed for Renati Automotives Pvt. Ltd.	-do-
8	31.01.2015	Board Resolution of Renati Automotives Pvt. Ltd. Authorizing share transfer from Mr. Vaninath Reddy to Mr. Syed Imthiyaz and authorizing operation of bank account in the name of the company	-do-
9	30.01.2015	Board Resolution of Renati Automotives Pvt. Ltd. appointing Mr. Syed Imthiyaz Ahmad & Mr. Madhusudan Vasakarla as Additional Directors of the company	-do-
10	31.01.2015	ROC Filings – Form MGT – 14 – Filing of Resolutions – Appointment of Additional Directors of Renati Automotives Pvt. Ltd.	-do-
11	02.02.2015	Resignation Letter of Mr. Vaninath Reddy Renati (DIN 02255332) from Directorship of Renati Automotives Pvt. Ltd.	-do-

12	02.02.2015	Board Resolution of Renati Automotives Pvt. Ltd. Accepting resignation of Mr. Vaninath Reddy Renati	-do
13	02.02.2015	Letter acknowledgment of accepting the resignation of Mr. Vaninath Reddy Renati (w.e.f 02.02.2015)	-do-
14	02.02.2015	ROC filings – Form MGT 14 – Filing of resolutions – Acceptance of resignation	-do-
15	02.02.2015	Board resolution of Renati Automotive Pvt. Ltd. Appointing Mr. G. Sreedhar as the Managing Director of the company	-do-
16	06.02.2015	Minutes of Extraordinary General Meeting of Renati Automotives Pvt. Ltd. Approving MD appointment and remuneration	-do-
17	02.02.2015	ROC Filings – Form MGT -14 – Filing of resolutions – remuneration of Managing Director of Renati Automotives Pvt. Ltd.	-do-

5. It is stated that he obtained these documents when he applied for certified copies of 32 documents. The petition was opposed by filing a counter of the respondent No.1 / plaintiff stating that the petition is misconceived by misinterpreting the order of this Court in C.R.P. No. 478 of 2026 and that these documents were not at all stated in the list of documents in the written statement nor did his application comply with the requirement of law by filing a mandatory list of documents under Order VIII, Rule 1A C.P.C., apart from contending that there is no valid reason stated to grant the leave by pleading that despite due diligence these documents could not be produced earlier. Since the respondent No.2 / defendant No.2 remained *ex parte* throughout the proceedings in the suit, there is no appearance.

6. After hearing both parties, the trial Court dismissed the petition observing that these documents are not necessary for deciding the real controversy in the suit since the suit is based on the promissory note said

to have been executed by both the defendants and further that because the documents pertain to the year 2015, but the suit was subsequently instituted in the year 2017, the petitioner ought to have taken diligent steps to file these documents along with the written statement owing to the prior knowledge of these documents. Therefore, the Court found that the petitioner had not approached the Court with clean hands. It was also observed that the petitioner had not substantiated the contention that the proposed documents are very much essential for deciding the real controversy in the suit.

7. Aggrieved by the order, this revision petition was filed.

8. Heard learned counsel for the petitioner and learned counsel for the respondent No.1.

9. Order VIII, Rule 1A (3) C.P.C. reads as follows:

> **"1A. Duty of Defendant to produce documents upon which relief is claimed or relied upon by him.--**
> (1) Where the defendant bases his defence upon a document or relies upon any document in his possession or power, in support of his defence or claim for set-off or counter-claim, he shall enter such document in a list, and shall produce it in Court when the written statement is presented by him and shall, at the same time, deliver the document and a copy thereof, to be filed with the written statement.
> (2) Where any such document is not in the possession or power of the Defendant, he shall, wherever possible, state in whose possession or power it is.

(3) A document which ought to be produced in Court by the defendant under this rule, but, is not so produced shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

(4) Nothing in this Rule shall apply to document--

(a) produced for the cross-examination of the plaintiff's witnesses, or

(b) handed over to a witness merely to refresh his memory."

10. The above provision Rule 1A(3) grants discretion to the Court to grant leave to file the documents to be received in evidence, even if they are not produced along with the written statement as required under Rule 1A (1) C.P.C. The discretion is not conditioned by any terms. Unlike in Order VI, Rule 17 C.P.C., there is no condition found such as 'good cause' to be proved. However, the discretion is not unfettered. But, for the purpose of satisfying itself, the Court would normally examine the relevancy of the document to the controversy and incidentally whether there is deliberate negligence of the petitioner in producing the document at the first instance.

11. In the present case, though the documents are in existence, since they were not procured at the time of filing the written statement, they were not filed. The fact remains that these documents have been recently procured on application. It is not correct to state that the documents have no relevancy to the defence as was already mentioned in the previous order in C.R.P. No. 478 of 2026 in view of the controversy, the resignation of the defendant No.2 and the other facts pleaded in the written statement. It cannot be said that they are unnecessary documents. In the light of the defence already taken in the written statement, when the defendant

proposed to file these documents, it is not the stage to appreciate the evidence said to be filed in support of the pleas taken, particularly with regard to resignation of the defendant No.2. Moreover, the Court shall make an endeavour to secure the evidence relevant to the adjudication of the suit on merits. Therefore, the trial Court ought to have allowed the petition, if necessary by imposing some terms if some laches are found in procuring the documents at the right time to avoid the delay. As such, this Court is of the view that the impugned order is liable to be set aside.

12. In the result, the Civil Revision Petition is allowed setting aside the order, dated 11.09.2026, passed in I.A. No.1280 of 2026 in O.S. No. 43 of 2017. As a sequel, I.A. No.1280 of 2026 is allowed on the condition that the petitioner shall pay respondent No.1 costs of Rs.2,000/- (Rupees two thousand only) within ten (10) days from the date of receipt of a copy of this order failing which the petition stands dismissed without any further reference. The proof of payment shall be submitted before the trial Court.

Pending miscellaneous petitions, if any, shall stand closed.

B.S. BHANUMATHI, J

Dt.21.11.2026
RAR