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.3015 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 is filed under Article 227 of the Constitution of India aggrieved by the order, dated 11.09.2026, dismissing I.A. No.1194 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.1194 of 2026**, is filed by the petitioner / defendant No.1 under Order XI, Rule III(2), Rule 14 read with Section 151 C.P.C. to direct the respondent No.1 / plaintiff to produce the documents mentioned in the petition schedule, the production whereof was demanded by notice, dated 30.04.2026, issued pursuant to the liberty granted by this Court in C.R.P. No. 479 of 2026, dated 07.04.2026, and pass such other order or orders this Court deem fit and proper in the circumstances of the case, failing which, appropriate consequences under law may follow including drawing such adverse inference, as may be warranted, at the appropriate stage of the proceedings in the interest of justice.

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 31.03.2015, 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 source of amount said to be lent under the suit promissory notes remains in the exclusive knowledge of the respondent No.1 and the burden of establishing his financial capacity to lend such amount is on him only, however, in order to enable the trial Court to fairly and effectively adjudicate the dispute and to ascertain the financial capacity of the respondent No.1, it is just and necessary to direct him to produce his personal financial records.

d. Pending the suit, initially, the defendant No.1 filed I.A.No.1475 of 2025 under Order XVI, Rule 4 read with Section 151 C.P.C. to direct the respondent No.1 / plaintiff to produce the following documents:-

Sl. No.	Document
1.	Income Tax Returns of the Respondent No.1 / plaintiff for the periods AY (Assessment Year) 2014-2015; 2015-2016; 2016-2017
2.	Computation of total income and acknowledgment receipts

	accompanied by the income tax returns for the periods, i.e., AY (Assessment Year) 2014-2015; 2015-2016; 2016-2017
3.	Form-26/AS/AIS or equivalent tax statements for the periods, i.e., AY (Assessment Year) 2014-2015; 2015-2016; 2016-2017
4.	Balance sheets, Profit & Loss Accounts and Books of Accounts (Cash Book and Ledgers) of the business entity of the respondent No.1 / plaintiff S.V.Drillers for the period of Financial Years 2013-2014; 2014-2015; 2015-2016
5.	Bank Accounts statements of the respondent No.1 / plaintiff and that of S.V.Drillers for the period from 01.01.2015 to 13.12.2015
6.	Tax Audit Returns / Form 3CB / 3CD for the periods AY(Assessment Year) 2014-2015; 2015-2016; 2016-2017
7.	Partnership deed, Registration and Authorization documents relating to S.V.Drillers

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.479 of 2026 was filed by the defendant No.1.

3. After hearing both parties, the revision petition was dismissed, however, the petitioner was given liberty to follow the procedure contemplated under Order XI, Rule 3(2) C.P.C.

4. In view thereof, the defendant No.1 again filed I.A.No.1194 of 2026 under Order XII, Rule 3 (2) C.P.C. praying the Court to direct the respondent No.1 / plaintiff to produce the following documents mentioned in the schedule as the production whereof was demanded

by notice, dated 30.04.2026, pursuant to the liberty granted by this Court.

Sl. No.	Description of the document
1	Income Tax returns of the plaintiff for the periods AY (Assessment Year) 2014-2015; 2015-2016; 2016-17.
2	Computation of total income and acknowledgment receipts accompanied the Income Tax returns for the periods, i.e., AY (Assessment Year) 2014-2015; 2015-16;2016-17
3	List of debtors of the plaintiff as per the IT returns during the year 2014-15
4	Form 26 AS / AIS or equivalent tax statements for the periods, i.e., AY (Assessment Year) 2014-2015; 2015-2016; 2016-2017
5	Balance sheets, Profit & Loss Accounts and Books of Accounts (Cash Book and Ledgers) of the business entity of the plaintiff S.V. Drillers and Capita; Accounts of partners for the period of Financial years 2013-2014; 2014-2015; 2015-2016
6	All operational Bank Accounts Statements of the plaintiff and that of S.V. Drillers for the period from 01.04.2014 to 31.03.2016
7	Tax Audit Returns / Form 3CB / 3 CD for the periods AY (Assessment Year) 2014-2015; 2015-2016; 2016-2017
8	Partnership Deed, Registration and Authorization documents relating to S.V. Drillers
9	PAN of the plaintiff
10	PAN & TAN of S.V.Drillers

5. The petition was opposed by filing a counter.

6. After hearing both parties, the trial Court dismissed the petition observing that the subsequent liberty granted by the High Court was procedural in nature and cannot be construed as adjudication in favour of the petitioner on the factual question of custody of the documents. Thus, the trial Court held that the petitioner has not made out sufficient grounds for issuing a direction to the respondent / plaintiff to produce the documents mentioned in the schedule.

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. After hearing, the trial Court dismissed the petition mainly observing that the application relates to production of a large number of financial and business records covering several assessment and financial years and that the Court cannot issue a blanket direction compelling production of documents merely because the defendant has raised a plea regarding the plaintiff's financial capacity. It was further observed that the earlier application in I.A. No. 1475 of 2025 had already been dismissed on the very same issue and the liberty granted by the High Court in the revision petition is regarding the procedure and cannot be construed to mean an adjudication in favour of the petitioner on the factual question of custody of the documents. Therefore, the trial Court found that the petitioner had not made out sufficient grounds to issue direction to produce the list mentioned documents by proving that these documents are available in the custody of the plaintiff. The trial Court left open the question whether any adverse inference can be drawn for non-production of any particular document, if properly found in the evidence at the appropriate stage of the suit. The

main thrust of the trial Court is that the petitioner failed to establish that the documents are in the custody of the respondent / plaintiff. That apart, the trial Court found that the notice was not issued in the form prescribed in appendix 'C'. This Court does not see any reason to interfere with the findings of the trial Court.

10. In the result, the revision petition is dismissed.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

B.S. BHANUMATHI, J

Dt.21.11.2026
RAR