

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE TWENTY SIXTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY FOUR



:PRESENT:

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION NO: 339 OF 2024

Between:

Nannuri Jayanth Reddy, S/o Amrutha Reddy, Hindu, Aged 50 years, R/o D.No. 12-7-110 & 405, Oosman SMR Heights, Mettiguda, Secunderabad-17.

**Petitioner/Defendant**

AND

Dantuluri Venkata Ramana Raju, S/o Late Suryanarayana Raju, Hindu, Aged 64 years, R/o D.No.7-5-146/7, Flat No.401, Srinivasa Apartments, Pandurangapuram, Visakhapatnam.

**Respondent/Plaintiff**

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 set aside the impugned order dated 28.11.2023 passed in I.A.No.1205 of 2023 in O.S.No.734 of 2017 by the I Additional Senior Civil Judge, Visakhapatnam;

**IA NO: 1 OF 2024**

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to stay all the further proceedings in O.S.No.734 of 2017 on the file of the I Additional Senior Civil Judge Court, Visakhapatnam, Pending disposal of CRP 339 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Pardha Saradhi A V, Advocate for the Petitioner, the Court made the following

**ORDER:**

“Heard learned counsel for petitioner, Sri A.V.Pardha Saradhi. His submission is that though the petitioner/defendant has taken a vivid plea that the suit pro-note was not executed by him and no debt was contracted and that the suit promissory note is a fabricated document, however, unfortunately the petitioner/defendant has not taken a specific plea that there was a material alteration regarding the month mentioned in the suit promissory note as well as the receipt and therefore, he filed a petition under Order 8 Rule 9 of CPC

seeking leave of the trial court to take the said plea by filing additional statement. However, the trial court without considering the said aspect in proper perspective, dismissed the petition on the mere ground that the petition is a belated one. Learned counsel would submit that mere delay in taking the plea may not defeat the justice. He would submit that the petitioner has a good case in the suit where heavy amount is at stake.

The submissions made by the petitioner needs to be heard when the respondent puts up his appearance. Therefore, while permitting the petitioner to take out personal notice on respondent, this CRP is directed to be listed on 11.03.2024.

In the meanwhile, there shall be stay of all further proceedings in O.S. No.734 of 2017 on the file of I Additional Senior Civil Judge, Visakhapatnam."

Sd/- M. SRINIVAS  
ASSISTANT REGISTRAR

//TRUE COPY//

  
For ASSISTANT REGISTRAR

To,

1. The I Additional Senior Civil Judge Court, Visakhapatnam,
2. Dantuluri Venkata Ramana Raju, S/o Late Suryanarayana Raju, Hindu, Aged 64 years, R/o D.No.7-5-146/7, Flat No.401, Srinivasa Apartments, Pandurangapuram, Visakhapatnam (by RPAD)
3. One CC to SRI. PARDHA SARADHI A V Advocate [OPUC]
4. One spare copy

KJ



HIGH COURT

UDPR,J

DATED:26/02/2024

LISTED ON 11.03.2024

ORDER

CRP.No.339 of 2024

STAY

