

APHC010105092025



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

[3332]

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

**CIVIL REVISION PETITION NO: 584/2025**

**Between:**

1.P.PADMAJA, W/O VENKATESWARLU, AGED ABOUT 42 YEARS,  
R/O D.NO.6/611-5, SANKARAPURAM, KADAPA CITY, Y.S.R.  
KADAPA DISTRICT.

**...PETITIONER**

**AND**

1.T KRISHNAVENI, W/O JAGAN MOHAN REDDY, HOME MAKER.  
AGED ABOUT 50 YEARS, R/O D.NO.6/11, MODAMEEDAPALLI  
VILLAGE, KADAPA CITY, Y.S.R. KADAPA DISTRICT.

2.T SATYANARAYANA REDDY, S/O PEDDA KONDA REDDY,  
AGRICULTURE, AGED ABOUT 61 YEARS, R/O CHINNALEBAKA  
VILLAGE, VALLURU MANDAL Y.S.R. KADAPA DISTRICT.

3.S JAYACHANDRA REDDY, S/O HARINARAYANA REDDY, BUSINESS  
AGED ABOUT 44 YEARS, R/O D.NO.41/450-2-2, SANKARAPURAM,  
KADAPA CITY, Y.S.R. KADAPA DISTRICT.

**...RESPONDENT(S):**

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 Order dt.03-02-2025 passed in I.A.No.04/2025 in O.S.No.74/2017 on the file of Hon'ble Additional Civil Judge (Senior Division), Kadapa and allow the same and pass

**IA NO: 1 OF 2025**

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 all further proceedings in O.S.No.74/2017 on the file of Hon'ble Additional Civil Judge (Senior Division), Kadapa till disposal of the main CRP and pass

**Counsel for the Petitioner:**

1.A SYAM SUNDAR REDDY

**Counsel for the Respondent(S):**

1.SODUM ANVESHA

**The Court made the following:**

**ORDER:**

Assailing the correctness and legality of the order passed by the learned Additional Civil Judge (Senior Division), Kadapa in I.A.No.4 of 2025 in O.S.No.74 of 2017, dated 03.02.2025, the present Civil Revision Petition has been filed.

2. The facts leading to filing of the present Civil Revision Petition is that the petitioner is the plaintiff and the respondents are the defendants in a suit for declaration of title and permanent injunction. The plaintiff filed I.A.No.4 of 2025 under Order VII Rule 14(3) of Civil Procedure Code (hereafter referred as CPC) duly praying the Court to receive the document mentioned in the said petition and mark the same as exhibit on behalf of the plaintiff on the ground that the said document now sought to be received is an important piece of evidence to prove the plaintiff's claim and to disprove the defendants' case and that the copy of the said document was obtained recently. It was further pleaded that the delay in filing the said document was neither willful nor due to negligence. The respondents/defendants opposed the said application/petition denying the allegations and prayed to dismiss the petition contending that the proposed document was already declared as an invalid document by the earlier Court in the earlier suit and consequently Exs.A1 and A2 in the said suit were also held to be invalid documents and yet the petitioner approached the Court without disclosing the said facts. Upon hearing both the parties and considering the material available on record, the trial Court dismissed the said interlocutory application. Assailing the same, the present civil revision petition has been filed.

3. Heard Syam Sundar Reddy, learned counsel for the petitioner and Ms.Sodum Anvesha, learned counsel for the respondents.

4. Learned counsel for the petitioner, while reiterating the contents of the affidavit filed before the trial Court and the grounds raised in revision before this Court, submitted that the Court below failed to see the purport of Order VII Rule 14 (3) of CPC. The document now sought to be received by the Court was already mentioned in the plaint; however, the same was not filed along with the plaint as the same was not available with the plaintiff and a certified copy thereof was obtained recently, thereby filed the present application. He further contended that though there occurred delay in filing the document, such delay ought not to come in the way of receiving the said document. Further, the Court below erroneously observed that the plaintiff failed to explain the relevancy of the document to the suit transaction and also failed to explain the delay in not producing document earlier and accordingly dismissed the application. Learned counsel further contended that the Court below failed to see the well settled principles while adjudicating the interlocutory applications. In support of his contention, he relied on the Judgment of Hon'ble Apex Court in **LEVAKU PEDDA REDDAMMA & ORS. Versus GOTTUMUKKALA VENKATA SUBBAMMA & ANR<sup>1</sup>**.

5. On the other hand, Ms. Sodum Anvesha, learned counsel for the respondents, while reiterating the contents of the counter affidavit before the Court below, submitted that when the petitioner failed to file the document along with the plaint and intended to file the same at a later point of time, he ought to have specifically pleaded due diligence for not filing the same along with the plaint. No doubt, relevancy of the document cannot be looked into at the time of

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<sup>1</sup> 2022 LiveLaw (SC) 533

receiving the document. Further, if the parties had specified due diligence before the Court in not filing the document earlier, the delay also would not come in the way in the present case. The petitioner/plaintiff miserably failed to plead due diligence at all except saying that certified copy of the document was obtained recently and such a simple statement is not sufficient for consideration. The Court below dismissed the application on another ground, in fact it has to be dismissed on the ground that petitioner failed to plead due diligence and therefore no interference is warranted in the present revision. She further submitted that in fact, the document now sought to be filed was already the subject matter in an earlier suit filed by the plaintiff's father and the said document was declared invalid by the Court in the earlier suit. Though the said document is very much available in the suit, no steps were taken to obtain the said copy of the order and place the same before the Court in the present suit. At the stage of final arguments, the present application came to be filed and the same is devoid of merits. Accordingly, she prayed to dismiss the Civil Revision Petition.

6. Perused the record and considered the submissions made by both the learned counsel for the parties.

7. The petitioner, who is the plaintiff, filed the suit in O.S.No.74 of 2017 for declaration of title and for permanent injunction. At the stage of arguments, the plaintiff filed the present interlocutory application under Order VII Rule 14(3) CPC seeking to receive the certified copy of registered sale deed executed by one Smt Ramancharla Subbamma to Janardhan Naidu in favour of M.Sankaraiah Naidu dated 07.07.1981 vide document No.4505 of 1981 on the ground that the said document is very much required to prove the plaintiff's case and disprove the

defendants' case and that the certified copy was obtained recently. The contention advanced by the learned counsel for the petitioner that the Court below erroneously dismissed the application on the ground that the petitioner failed to plead and prove the relevancy of the document and also on the ground of delay cannot be accepted in the facts of the preset case. He relied upon the judgment in **Levaku** (supra). When the plaintiff failed to file the said document along with the plaint and intended to file the same at a later stage, he ought to have pleaded and prove due diligence in not filing the said documents along with the plaint.

8. Admittedly, the document sought to be filed is a public document i.e., registered sale deed of the year 1981. If the said document was not available with the plaintiff at the time of filing the suit, what prevented her from obtaining a certified copy from the Registrar Office all these years has not been explained. As rightly contended by the learned counsel for the respondents, the petitioner failed to show due diligence in not filing the said document in time. If the plaintiff had specified due diligence, definitely the law laid down by the Hon'ble Apex Court would come to her rescue and, in those circumstances, delay could not have been looked into. Admittedly, the matter is at the final argument stage. The Court below rightly dismissed the application and the same warrants no interference.

9. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications, pending if any, shall stand closed.

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**JUSTICE RAVI CHEEMALAPATI**

Date: 28<sup>th</sup> April, 2026  
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**THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

**CIVIL REVISION PETITION NO: 584/2025**

Date: 28<sup>th</sup> April, 2026  
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