



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

[3331]

TUESDAY, THE 28th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 877/2024

Between:

1.T.V.RAMESH,, S/O T.SIVAIAH, HINDU, AGED ABOUT 60 YEARS,
AGRICULTURIST, R/O H.NO.8 - 106 - A, NEHRU NAGAR
VELDURTHY VILLAGE, KURNOOL DISTRICT.

...PETITIONER

AND

1.G N PRITHVI RAJ, S/o G.Ramesh Babu, Aged about 23 Years,
Business, R/o H.No.40 - 30A - 20, Medum Compound, Kurnool.

...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 topleased to allow the Revision Petition, allow I.A.No.201 of 2023 in O.S.No.99 of 2018 on the file of the Learned I Additional District Judge, Kurnool, consequently summon the proposed witnesses and pass

IA NO: 1 OF 2024

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 grant stay of all further proceedings in O.S.No.99 of 2018 on the file of 1st Additional District Judge Kurnool, dated 14.03.2024, pending disposal of the Civil Revision Petition and pass

Counsel for the Petitioner:

1.VIVEKANANDA VIRUPAKSHA

Counsel for the Respondent:

1.VARUN BYREDDY

The Court made the following:

::ORDER ::

Assailing the order dated 14.03.2024 passed in I.A.No.201 of 2023 in O.S.No.99 of 2018 on the file of the learned I Addl. District Judge, Kurnool, the above civil revision petition was filed.

2. Heard Sri Virupaksha Dattatreya, learned counsel representing Sri Virupaksha Vivekananda, learned counsel for the petitioner and Sri Varun By Reddy, learned counsel, appeared for the respondents.

3. For the sake of convenience, the parties to this C.R.P. shall be referred to as per their array in the suit.

4. The plaintiff filed a suit in O.S.No.99 of 2018 against the defendant for recovery of amount on the strength of two promissory notes dated 29.09.2015. The defendant filed a written statement, wherein it was contended that the plaintiff is a student and he does not have income. The defendant neither borrowed any amount from the plaintiff nor executed any promissory note in his favour. The defendant further pleaded in the written statement about the money transactions with the plaintiff's father and his executing different promissory notes. During the trial, the plaintiff examined himself as PW.1 and got the scribe examined as PW.2.

5. The plaintiff/PW.1 deposed in the chief affidavit that the transaction took place on 29.09.2015 at his house at Kurnool. In cross-examination, it was suggested to PW.1 that he was staying at Vellur and pursuing a B.Tech course in Vellore Institute of Technology. The same was denied by PW.1. It was also suggested to PW.2 that he was not present on the date of execution of promissory notes.

6. Pending the suit, the defendant filed I.A.No.201 of 2023 under Order XVI Rule 1 (2) and Section 151 of the Code of Civil Procedure (C.P.C.) to summon the Manager, H.R, Vasudha Pharma Chemicals Limited, Hyderabad and the Principal, Institute of Technology (VIT), Vellore, Tamil Nadu State and to produce the relevant record. The plaintiff filed a counter-affidavit and opposed the application. The trial Court, by order dated 14.03.2024, dismissed the application by placing reliance upon the judgments of **Duggineni Seshagiri Rao v. Kothapalli Venkateswara Rao**¹ and **P. Subrahmanyam Chetty v. Katari Yellappa Reddy**².

7. Learned counsel for the petitioner would submit that since the defendant admitted signatures on the promissory notes, the burden of proof lies on the defendant. In fact, the defendant put a suggestion to the plaintiff regarding his absence on the date of execution of the promissory note. To substantiate the defence, the attendance register of the plaintiff is necessary. He would further contend that necessary suggestions were put to the scribe and hence, the attendance register of the scribe is also necessary.

8. Learned counsel for the respondents would submit that the petitioner filed I.A.No.201 of 2023, only to procrastinate the proceedings. The trial Court dealt with all those aspects and dismissed the application.

9. The point for consideration is:

“Whether the order dated 14.03.2024 passed in I.A.No.201 of 2023 in O.S.No.99 of 2018 on the file of the learned I Addl. District Judge, Kurnool suffers from any illegality, warranting interference?”

10. Shorn of all the details, the suit in O.S.No.99 of 2018 was filed for recovery of amount on the strength of two promissory notes dated 29.09.2025, marked as Exs.A1 and A2. The defendant admitted the signature; however, pleaded that those documents were executed in connection with different

¹ 2001 (6) ALT 95

² 1988 (1) ALT 279

transactions with the father of the plaintiff. The defendant specifically denied borrowing the amount from the plaintiff and the execution of the promissory note in his favour. In fact, when the plaintiff was examined as PW.1, suggestions were put to the plaintiff about his absence on the date of execution of promissory notes, and his presence at College i.e. Vellore Institute of Technology and the same was denied by PW.1.

11. The judgments relied upon by the trial Court do not apply to the facts in the present situation. However, in the facts of this case, when the burden lies on the defendant, due to the pleading in the written statement, it is very much necessary to call the Principal of the College along with the record.

12. It is often said that procedure is the handmaid of justice. Procedural and technical hurdles shall not be allowed to come in the way of the court while doing substantial justice. If the procedural violation does not seriously cause prejudice to the adversary party, courts must lean towards doing substantial justice rather than relying upon procedural and technical violations. One should not forget the fact that litigation is nothing but a journey towards truth, which is the foundation of justice, and the court is required to take appropriate steps to bring out the underlying truth in every dispute.

13. Given the discussion supra, this Court is of the considered opinion that the trial Court failed to exercise jurisdiction vested with it in respect of summoning of the Principal, Institute of Technology, Tiruvalam Road, Katpadi, Vellore, Tamil Nadu State.

14. In so far as the summoning of Manager, H.R. Vasudha Pharma Chemicals Limited, Hyderabad, to bring the attendance register of the scribe is concerned, this Court is of the considered opinion that an averment made in para No.3 of the affidavit filed in support of I.A.No.201 of 2023 that the defendant recently came to know that the scribe was working as Administration Manager, Hyderabad, is not proper and correct in the light of the facts situation. The summoning of Manager, H.R. Vasudha Pharma

Chemicals Limited, Hyderabad, to bring the attendance register of the scribe is unnecessary.

15. Given the facts and circumstances of the case, the order in revision brooks interference. Accordingly, the Civil Revision Petition is allowed in part with the following directions:

(i) I.A.No.201 of 2023 in O.S.No.99 of 2018 on the file of the learned I Addl. District Judge, Kurnool, is allowed in part to the extent of summoning the Principal, Institute of Technology, Tiruvalam Road, Katpadi, Vellore, Tamil Nadu State. The trial Court shall take necessary steps.

(ii) In respect of summoning of Manager, H.R. Vasudha Pharma Chemicals Limited, Hyderabad, the order of the trial Court is hereby confirmed.

No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 10.07.2026
TVN

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

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Date: 10.07.2026
TVN