



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

**[3332]**

WEDNESDAY, THE TWENTY NINETH DAY OF APRIL  
TWO THOUSAND AND TWENTY SIX

**PRESENT  
THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

**CIVIL REVISION PETITION NO: 993/2025**

**Between:**

1. CHALLA VENKATA SATYANARAYANA MURTHY, S/O LAKSHMI KATHA RAO, AGED ABOUT 75 YEARS, OCC. PROPERTY, R/O D. NO. 118, KAMALADEVI STREET, OPPOSITE RED CROSS BUILDING GANDHINAGAR, KAKIANDA, EAST GODAVARI DISTRICT. (KAKINADA DISTRICT)

**...PETITIONER**

**AND**

1. PUPPALA UMA NAGA VENKATA KRISHNA SAGAR, S/o Narasimha Rao, Aged about 35 Years, Occ.- Property R/o C/o Cafe Block Buster, D. No. 6-1-30, Jawhar Street, Kakianda, East Godavari District.

**...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 to allow this Revision Petition, thereby setting aside the order passed in I.A. No. 18 of 2025 in O.S. No. 1257 of 2019 on the file of the Court of the V Additional Junior Civil Judge, Kakinada, 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 OS No. 1257 of 2019 on the file of the Court of the V Addl. Junior Civil Judge, Kakinada, East Godavari District and pass

**Counsel for the Petitioner:**

1. K.V.S.S. PRABHAKARA RAO

**Counsel for the Respondent:**

1. THSAVATAPALLI SREE SHA

**The Court made the following order:**

Assailing the correctness and the legality of the order dated 19.03.2025 passed in Interlocutory Application No.18 of 2025 in Original Suit No.1257 of 2019 on the file of the Court of V Additional Junior Civil Judge, Kakinada, the present Civil Revision is filed under Article 227 of the Constitution of India.

2. The facts of the case that led to filing of the present Civil Revision Petition is as follows:

The petitioner herein is the defendant and the respondent herein is the plaintiff in O.S.No.1257 of 2019 filed for permanent injunction restraining the defendant and his henchmen from ever interfering with the peaceful possession and enjoyment of the plaint schedule property as tenant. In the said suit, the petitioner/defendant filed I.A.No.18 of 2025 under Order VIII Rule 1(3) read with Section 151 CPC seeking permission to receive on record the rental agreement entered into between the petitioner and one D.Vishwanath along with certain other documents. The respondent/plaintiff filed counter opposing to receive the said documents. The trial Court, after hearing both sides and considering the material available on record, dismissed the said application. Aggrieved by the same, the present Civil Revision Petition has been filed.

3. Heard Sri K.V.S.S.Prabhakar rao, learned counsel for the petitioner and Ms.T.Sreesha, learned counsel for the respondent.

4. Learned counsel for the petitioner, in elaboration to what has been stated in the grounds of revision and contents of the affidavit filed before the trial court submitted that the plaintiff is not a direct tenant under the defendant, but had entered into a sub-lease through one D.Viswanath, to whom the premises had originally been leased by the defendant and that too without the consent of the landlord. He further contended that the defendant never entered into any formal lease or other contractual agreements with the plaintiff and that in order to effectively defend the case before the trial court, the documents now sought to be received are very crucial. He further submitted that the trial Court erroneously dismissed the interlocutory application on the ground that the defendant had not laid the necessary foundation for receiving secondary evidence and that the alleged lease agreement, being a lease alleged to have been executed for more than one month, is compulsorily registerable, whereas the document sought to be produced is unregistered and insufficiently stamped. He further submitted that the questions as to whether the document is admissible in evidence, whether it is compulsorily registerable or whether it is insufficiently stamped cannot be looked into at the stage of receiving the documents and that such objections can be considered at the stage of marking the documents in evidence, hence, the impugned order is erroneous and prayed to allow the Civil Revision Petition.

5. On the other hand, learned counsel for the respondent, while reiterating the contents of the counter affidavit filed before the trial Court, submitted that the document i.e., lease agreement now sought to be received pertains to a

third party and is in no way relevant to the facts of the case. She further contended that, in fact, the defendant did not plead anything about the said document in the written statement and that in the absence of any such pleading seeking reception of the document is not proper. She further contended that the defendant has taken inconsistent pleas in the written statement and in the interlocutory application. The document now sought to be received is only a photocopy and not the original lease agreement and according to her, the same requires compulsory registration and stamp duty, which are lacking in the present case, hence, the trial Court has rightly dismissed the said application. She further submitted that there is neither illegality nor impropriety in the impugned order warranting interference by this Court and accordingly prayed to dismiss the Civil Revision Petition.

6. Perused the material available on record and considered the submissions made by learned counsel for both sides.

7. In a suit for permanent injunction, the petitioner/defendant filed I.A.No.18 of 2025 under Order VIII Rule 1(3) read with Section 151 CPC seeking to receive the rental agreement between the petitioner/defendant and one D.Vishwanath along with other documents.

8. As culled out from the submissions of the learned counsel for the parties and the facts of the case, the defendant is the landlord and the plaintiff is tenant. The contention of the defendant is that he never leased out the suit schedule property to the plaintiff and that it was leased out to one

D.Vishwanath, who in turn sub-leased the property to the plaintiff without the consent of the defendant. The agreement entered into with the said Viswanath is relevant to show that the suit schedule property was leased out to Viswanath. The contention of the respondent/plaintiff is that there is no pleading with regard to the said document in the written statement and the defendant has taken inconsistent stands in the written statement as well as in the affidavit filed in support of the interlocutory application. However, the document now sought to be received is neither a registered document nor properly stamped, in such circumstances, receiving such document does not arise.

9. It is well settled that at the stage of receiving documents, the Court is only required to consider whether the documents sought to be produced are relevant for the purpose of adjudication of the dispute involved in the suit. The questions relating to admissibility of the document in evidence, sufficiency of stamp duty, compulsory registration or proof of execution are matters to be considered at the appropriate stage during trial, particularly at the time of marking the documents in evidence.

10. In the present case, the specific stand of the petitioner/defendant is that the suit schedule property was originally leased out to one D.Vishwanath and that the plaintiff came into possession of the property only through the said D.Vishwanath without the consent of the landlord. Therefore, the rental agreement sought to be produced assumes relevancy for the purpose of

deciding the real controversy between the parties. Merely because there is an objection with regard to the absence of specific pleadings or on the ground that the document is unregistered or insufficiently stamped, the same cannot be a ground to refuse reception of the document at the threshold.

11. Further, receiving a document on record does not amount to its proof or admissibility in evidence. The respondent/plaintiff is always at liberty to raise all objections available under law at the time of marking the document, including objections relating to stamp duty, registration, mode of proof, and relevancy. The trial Court, while considering such objections at the appropriate stage, shall decide the same independently in accordance with law.

12. In the considered opinion of this Court, the trial Court erroneously dismissed the application at the stage of reception of documents by going into the questions relating to admissibility and registration of the document. Such an approach is legally unsustainable. Since the document sought to be produced is relevant for adjudication of the dispute between the parties, the petitioner ought to have been permitted to place the same on record, subject to proof and admissibility. Therefore, the order impugned requires interference.

13. Accordingly, the Civil Revision Petition is allowed setting aside the order dated 19.03.2025 passed in I.A.No.18 of 2025 in O.S.No.1257 of 2019 on the file of the Court of the V Additional Junior Civil Judge, Kakinada. Consequently, I.A.No.18 of 2025 shall stand allowed permitting the

petitioner/defendant to file the documents on record, subject to objections regarding admissibility, proof, stamp duty, and registration, which shall be decided by the trial Court at the appropriate stage in accordance with law. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, shall stand closed.

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**JUSTICE RAVI CHEEMALAPATI**

29.04.2026

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**THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI**

**CIVIL REVISION PETITION NO.993 of 2025**

29.04.2026

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