

APHC010419252025



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

[3332]

THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NOS: 2050 & 2051/2025

Between:

Kota Ravi Kumar and Others

...PETITIONER(S)

AND

Polisetty Satish Kumar Satish

...RESPONDENT

Counsel for the Petitioner(S):

1.MADHU SUDANA SAI RAM ASADI

Counsel for the Respondent:

1.SARANU PHANI TEJA

The Court made the following COMMON JUDGMENT:

The petitioners and the respondent are one and the same in both the civil revision petitions and as both the civil revision petitions are connected, they are heard together and disposed of by this Common Judgment.

2. The present civil revision petitions are filed by the petitioners questioning the legality and correctness of the orders dated 07.07.2025 in I.A.Nos.1213 & 1214 of 2025 respectively in O.S.No.167/2020 on the file of the Court of the learned Principal Civil Judge (Junior Division), Tenali.

3. The case of the petitioners is that, they are the plaintiffs and the respondent is the defendant, in the suit vide O.S.No.167/2020 filed by them for recovery of money, based on promissory note. In the said suit, the petitioners have filed I.A.Nos.1213 of 2025 under Order 18 Rule 7 to recall PW.1 for filing his additional chief-examination affidavit and I.A.Nos.1214 of 2025 under Order 18 Rule 4 to permit P.W.1 to file his additional chief-examination affidavit. Both the applications were dismissed by trial court under its order dated 07.07.2025. Assailing the said orders, the present civil revision petitions are filed.

4. Heard Sri Madhu Sudana Sai Ram, learned counsel for the petitioners and Sri Saranu Phani Teja, learned counsel for the respondent.

5. Learned counsel for the petitioners in elaboration to what has been stated in the grounds of revisions and contents of the affidavit filed in support of the interlocutory applications contended that, since the learned counsel for the respondent has put several questions regarding the income of the petitioners in the suit proceedings, they have procured certain certified copies of documents, which are necessary to prove their case and filed I.A.No.1212/2025 under Order 7 Rule 14(3) praying the court to grant leave in filing the petition listed documents by condoning the delay. Also they have filed I.A.Nos.1213 of 2025 to recall PW.1 for filing his additional chief-examination affidavit and I.A.Nos.1214 of 2025 to permit P.W.1 to file his additional chief-examination affidavit. He further submitted that, the court

below has allowed I.A.No.1212/2025 under its order dated 07.07.2025 and the petition listed documents are ordered to be received on record subject to proof, relevancy and admissibility on a condition to pay the costs of Rs.100/- to MLSA (Mandal Legal Services Authority).

Learned counsel for the petitioners contended that, having allowed the application for receiving the petition listed documents, the court below has dismissed the other applications filed for recalling and reopening the evidence of PW1 under its order dated on 07.07.2025. He further submitted that, if the documents are not marked, after receiving, by entering into the witness box, the very purpose of receiving the documents will be defeated and the court below cannot shut the evidence of the parties. He further submitted that, the court below has failed to consider the fact that, in order to prove the case of the petitioners, filing of an additional chief examination affidavit is necessary and hence, erred in dismissing the said applications on the ground that the documents does not related to the suit proceedings. He also submitted that, if the applications filed for recalling and reopening the evidence of PW1 are dismissed, the purpose of allowing I.A.No.1212/2025 for receiving the documents would be defeated. As such prayed to allow the civil revision petitions by setting aside the orders dated 07.07.2025 passed in I.A.Nos.1213 & 1214 of 2025.

6. Learned counsel for the respondent justified the orders of the court below contending that, since the documents relied by the petitioners are not connected/relevant to the suit proceedings, the court below has rightly

dismissed the said applications. He further submitted that in fact, the petitioners have filed recall applications earlier also, only to drag on the suit proceedings and to fill up the lacunas. Hence, the applications have been rightly dismissed and the petitioners have not made out any valid grounds warranting the interference of this Court, as such the revision petitions are liable to be dismissed being meritless.

7. Perused the record and considered the submissions of both the learned counsel.

8. The prime contention of the petitioner is that, having allowed the application filed for receiving the petition listed documents by condoning the delay vide I.A.No.1212/2025, the court below has dismissed the other applications filed for recall and reopening the PW1 evidence vide I.A.Nos.1213 & 1214 of 2025 respectively, which would ultimately serves no purpose in allowing I.A.No.1212/2025. The court below dismissed the said applications on the ground that, since the PW1 is not connected to the documents received in I.A.No.1212/2025, recalling the PW1 and reopening his additional chief-examination affidavit is not required and it is the contention of the petitioners that, without allowing the recall and reopen applications, allowing the application for receiving the documents would serve no purpose.

9. The trial court has gone to the extent of testing the veracity of the documents at the receiving stage. Further, the court below, having noticed that the petitioners have filed two chief examination affidavits on two different

dates, has allowed the application filed for receiving documents. As rightly contended by the learned counsel for the petitioners, the court below has failed to notice that, without recalling and reopening the chief examination affidavit of the PW1, receiving the petition listed documents has no consequence. Whether those documents are relevant or not, can be looked into at the stage of examination but not at this stage. As such, the court below has erroneously dismissed the said applications vide I.A.Nos.1213 & 1214 of 2025 under its order dated 07.07.2025 and they are liable to be set aside.

10. Accordingly, both the civil revision petitions are ***allowed*** and the order dated 07.07.2025 passed in I.A.Nos.1213 & 1214 of 2025 are hereby set aside. Consequently, I.A.Nos.1213 & 1214 of 2025 is allowed, subject to payment of costs of Rs.2,000/- by the petitioners to the respondent.

Miscellaneous applications, pending if any, shall stand closed.

BRS

JUSTICE RAVI CHEEMALAPATI