



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

[3331]

TUESDAY, THE 11th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 2270/2025

Between:

1.VANGA KRUPANANDAM,, S/O. BHUSHANAM @ PHILLIP AGED ABOUT 57 YEARS, OCC- BUSINESS, R/O. DOOR NO. 11/92, VARLA BAZAR, NEAR CHANDRAIAH KALUVA, GUDIVADA, GUDIVADA MANDAL, KRISHNA DISTRICT.

...PETITIONER

AND

1.JANGAM SUJATHA, W/O. BALA SWAMY, AGED ABOUT 67 YEARS. HOUSEWIFE AND PROPERTIES, R/O. DOOR NO. 11/111-9, VARLA BAZAAR, GUDIVADA, GUDIVADA MANDAL, KRISHNA DISTRICT.

2.VANGA KAMALAKARA RAO, (DIED)

3.VANGA RATNA BAI, (DIED)

4.VANGA LALITHA KAMALAKAR, W/O. LATE KAMALAKARA RAO, AGED ABOUT 54 YEARS, R/O. DOOR NO. 11/111-10, VARLA BAZAR, GUDIVADA, GUDIVADA MANDAL, KRISHNA DISTRICT. (RESPONDENTS 2 TO 4 NOT NECESSARY PARTIES)

...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 and Decree dated 24.07.2025 passed in I.A. No. 47 of 2025 in A.S. No. 17 of 2022 on the file of Principal Civil Judge (Senior Division), Gudivada, Krishna District in the interest of justice 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 SUSPEND the operation of the order and Decree dated 24.07.2025 passed in I.A. No. 47 of 2025 in A.S. No. 17 of 2022 on the file of the Principal Civil Judge (Senior Division), Gudivada, Krishna District pending disposal of the above civil revision petition in the interest of justice and a pass

IA NO: 1 OF 2026

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 May be pleased to extend the interim order granted by this Honble court passed in I.A. No. 1 of 2025 in CRP No. 2270 of 2025, dated 19.12.2025 pending disposal of the above Civil Revision Petition in the interest of justice and pass

Counsel for the Petitioner:

1.KAMBHAMPATI RAMESH BABU

Counsel for the Respondent(S):

1.BOKKA SATYANARAYANA KAMLA

The Court made the following:

ORDER

Heard Sri Kambhampati Ramesh Babu, learned counsel for the petitioner and Sri Bokka Satyanarayana, learned counsel for the 1st respondent.

2. The 2nd respondent the appeal filed the above revision assailing the order dated 24.07.2025 in I.A.No.47 of 2025 in A.S.No.17 of 2022 on the file of Principal Civil Judge (Senior Division), Gudivada.

3. The 1st respondent filed the suit O.S.No.134 of 2011 on the file of Principal Junior Civil Judge, Gudivada seeking perpetual injunction. The said suit was dismissed by judgment and decree dated 06.01.2022. Aggrieved by the judgment and decree, the 1st respondent filed appeal A.S.No.17 of 2022

on the file of Principal Civil Judge (Senior Division), Gudivada. Pending the appeal, the 1st respondent filed I.A.No.47 of 2025 under Order XLI Rule 27 of CPC to receive two registered sale deeds dated 24.07.1971.

4. The revision petitioner filed a counter and opposed the application.
5. The appellate Court, by order dated 24.07.2025, allowed the application directing the office to receive the documents, if they are otherwise in order. The appellate Court further permitted the appellant/plaintiff to let in evidence.
6. Learned counsel for the petitioner would submit that the appellate Court exceeded its jurisdiction and passed the order. No reasons were assigned by the appellate Court as contemplated under XLI Rule 27 of CPC.
7. *Per contra*, Sri B.Satyanarayana, learned counsel for the 1st respondent would submit that the registered documents could not be filed in the suit and they are very much necessary. The appellate Court considered all these aspects and allowed the application.
8. Now, the point for consideration is:

Whether the application filed under Order XLI Rule 27 of CPC to receive the documents needs to be considered before disposal of the appeal or at the time of deciding the appeal?

9. The answer to this question is no longer *res integra*. In **Union of India Vs. Ibrahim Uddin**¹, the Hon'ble Apex Court held thus:

“41. The words “for any other substantial cause” must be read with the word “requires” in the beginning of the sentence, so that it is only where, for any other substantial cause, the appellate court requires additional evidence, that this Rule will apply e.g. when evidence has been taken by

¹ (2012) 8 SCC 148 : 2012 SCC OnLine SC 528

the lower court so imperfectly that the appellate court cannot pass a satisfactory judgment.

42. Whenever the appellate court admits additional evidence it should record its reasons for doing so (sub-rule (2)). It is a salutary provision which operates as a check against a too easy reception of evidence at a late stage of litigation and the statement of reasons may inspire confidence and disarm objection. Another reason of this requirement is that, where a further appeal lies from the decision, the record of reasons will be useful and necessary for the court of further appeal to see, if the discretion under this Rule has been properly exercised by the court below. The omission to record the reasons must, therefore, be treated as a serious defect. But this provision is only directory and not mandatory, if the reception of such evidence can be justified under the Rule.

51. In **Arjan Singh v. Kartar Singh** [1951 SCC 178 : AIR 1951 SC 193] this Court held : (AIR pp. 195-96, paras 7-8)

“7. ... If the additional evidence was allowed to be adduced contrary to the principles governing the reception of such evidence, it would be a case of improper exercise of discretion, and the additional evidence so brought on the record will have to be ignored and the case decided as if it was non-existent. ...

8. ... The order allowing the appellant to call the additional evidence is dated 17-8-1942. The appeal was heard on 24-4-1942. There was thus no examination of the evidence on the record and a decision reached that the evidence as it stood disclosed a lacuna which the court required to be filled up for pronouncing its judgment.” (emphasis added)

52. Thus, from the above, it is crystal clear that an application for taking additional evidence on record at an appellate stage, even if filed during the pendency of the appeal, is to be heard at the time of the final hearing of the appeal at a stage when after appreciating the evidence on record, the court reaches the conclusion that additional evidence was required to be taken on record in order to pronounce the judgment or for any other

substantial cause. In case, the application for taking additional evidence on record has been considered and allowed prior to the hearing of the appeal, the order being a product of total and complete non-application of mind, as to whether such evidence is required to be taken on record to pronounce the judgment or not, remains inconsequential/inexecutable and is liable to be ignored.”

10. In this case at hand, the appellate Court not only allowed the application but also permitted the plaintiff to let in evidence, which is impermissible. The appellate Court exceeded its jurisdiction. The order under revision brooks interference while exercising the jurisdiction under Article 227 of the Constitution of India.

11. Accordingly, this Civil Revision Petition is Allowed. The order dated 24.07.2025 in I.A.No.47 of 2025 in A.S.No.17 of 2022 on the file of the Principal Civil Judge (Senior Division), Gudivada is set aside. The appellate Court shall consider the I.A.No.47 of 2025 along with the appeal, in the light of the observations made by the Hon’ble Apex Court. No costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

JUSTICE SUBBA REDDY SATTI