

APHC010479002025



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

[3332]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NOS: 2360 & 2361 of 2025

Between:

1. Sarisa Prasad, S/o Late Manikyam, Aged 52, Christian, Residing At Mangalapalem, Kothavalasa Mandal, Vizianagaram District.

...PETITIONER

AND

1. Sarisa Jojibabu, S/o Rayappa, converted christian, aged 62 years, Residing at mangalapalem, Kothavalasa mandal, Vizianagaram district.
2. Sarisa Kishore kumar, s/o Jagibabu, converted christian, aged 43 years, Residing at mangalapalem, kothavalasa mandal, vizianagaram district.
3. Sarisa rajesh kumar, s/o jagibabu, converted christian, aged 40 years. Residing at mangalapalem, kothavalasa mandal, vizianagaram district.
4. Sarisa Swaminadham, S/O Late Jaggayya, Converted Christian, Aged 58 Years, Residing At Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
5. Sarisa Rosy Mary, w/o Late Bala Shourie, converted christian, aged 45 years. Residing at mangalapalem, kothavalasa mandal, vizianagaram district.
6. Sarisa Vinod, s/o late Bala Shourie, converted Christian, aged 48 years. Residing at mangalapalem, kothavalasa mandal, vizianagaram

district.

7. Sarisa Bhavani, w/o Prasad, converted christian, aged 40 years. Residing at mangalapalem, kothavalasa mandal, vizianagaram district.
8. Sarisa Kumar, s/o late manikyam, aged 42 years, converted christian, residing at mangalapalem, kothavalasa mandal, vizianagaram district.
9. Sarisa Uday Prakash, s/o Prasad, converted christian, aged 40 years. Residing at mangalapalem, kothavalasa mandal, vizianagaram district.
10. Sarisa Sudhakar, s/o Late Bala Shourie, converted christian, aged 42 years. Residing at mangalapalem, kothavalasa mandal, vizianagaram district.
11. Polamarasetti Prakasha Rao, S/O Late Krishnamma, Converted Christian, Aged 50years, Residing At Mangalapalem, Kothavalasa Mandal, Vizianagaram District
12. Polamarasetti Manikyam, s/o late gangayya, converted christian, aged 65 years. Residing at mangalapalem, kothavalasa mandal, vizianagaram district.
13. Raparathi Kanna Subbarao, s/o late suryanarayana, hindu, aged 70 years, Residing at mangalapalem, kothavalasa mandal, vizianagaram district.
14. Makena Bhavanarayana Patrudu, s/o late Acharya Seetharama pathrdu, hindu, aged 80 years. Business, chintalapalem, kothavalasamandal, vizianagaram.
15. Sarisa Nirmala, W/o Vijaya Kumar, christian, aged 35, mangalapalem, kothavalasa mandal, vizianagaram district.
16. Ashok Kumar, S/o Vijay Kumar, Christian, Aged 15, Mangalapalem, Kothavalasa Mandal, Vizianagaram District.
17. Sowjanya, D/o Late Vijay Kumar, christian, aged 13, mangalapalem, Kothavalasa mandal, vizianagaram district.
18. Makena Yathi Rajeshwari, W/O Late Bhavanarayana Patrudu.
19. Makena Hari Haranath Patrudu, , s/o late Makena Bhavanarayana Patrudu, aged 42 years, residing at mangalapalem, kothavalasa

mandal, vizianagaram district.

20. Makena Srikanth Patrudu, s/o Late Makena Bhavanarayana Patrudu, aged 39 years, residing at mangalapalem, kothavalasa mandal, vizianagaram district. (respondents nos.4 to 20 are 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 aggrieved by the order, dated 18.07.2025, passed in I.A. No. 258 of 2025 in O.S. No.114 of 2006, on the file of the Honble Junior Civil Judge Court, Kothavalasa, the petitioner herein begs to present the C.R.P.

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. 114 of 2006 on the file of the Court of the Hon'ble Junior Civil Judge, Kothavalasa, pursuant to the order dated 18.07.2025 passed in LA. No. 258 of 2025 and 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 to vacate the interim order dated 18-09-2025 passed in I.A No.1 of 2025 in CRP No. 2360 of 2025 and pass

Counsel for the Petitioner:

1. ASHOK RAM V

Counsel for the Respondent(S):

1. A RADHAKRISHNA

The Court made the following common order:

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

2. The present civil revision petitions are filed by the petitioner being aggrieved by orders dated 18.07.2025 in I.A.Nos.258 & 259 of 2025 respectively in O.S.No.114/2006 on the file of the Court of the learned Junior Civil Judge, Kothavalasa.

3. The facts that led to filing of the present Civil Revision Petitions are that:

The petitioner is the 2nd defendant, respondent nos.1 to 3 are the plaintiffs and the respondent nos.4 to 20 are the co-defendants in O.S.No.114/2006 filed for grant of permanent injunction. In the said suit, plaintiffs filed I.A.No.258/2025 under Order XVIII rule 17 r/w Section 151 to recall the P.W.2 for the purpose of further examination-in-chief and marking of documents i.e., application(1-A-Namuna) dated 06.08.1989 submitted by the father of the 1st plaintiff, unregistered will dated 15.12.1998 executed by the father of the 1st plaintiff and certified copy of FLR of Kothavalasa Tahsildar, dated 25.10.2020. The plaintiffs also filed I.A.No.259/2025 under Order VII Rule 3 to receive of the said documents. Both the applications were allowed by the court below on 18.07.2025 on the ground that no prejudice would be caused to the other side, as they have right to cross-examine the witness. Aggrieved by the said orders, the present revision petitions came to be filed.

4. Heard Sri V.Ashok Ram, learned counsel for the revision petitioner and Sri A.Radha Krishna, learned counsel for the respondent nos.1 to 3.

5. Learned counsel for the revision petitioner in elaboration to what has been stated in the grounds of revisions contended that, in the year 2018, when the evidence was closed, at the instance of 2nd defendant (petitioner herein), the suit was reopened and certain documents were marked and after 7 years, the plaintiffs have come up with the present applications for recall of PW2 and for receiving and marking of the documents. He further submitted that, plaintiffs have failed to satisfy the court as to how the said documents are relevant to the suit of permanent injunction and why they could not file them in time, if they are so relevant. He further submitted that, though the plaintiffs have not pleaded or proved due diligence, the court below has erroneously allowed the applications on the ground that no prejudice will be caused to the defendants. As such prayed to allow the civil revision petitions.

6. Learned counsel for the respondent nos.1 to 3 justified the orders of the court below contending that, it is well settled that the courts should not shut the parties from adducing the evidence even if there is delay and that the Apex court has held that rules are hand-made of justice but to do substantial justice, the applications should be allowed. He further submitted that, documents which are now sought to be brought on record were traced only in the recent times and after noticing that they are relevant for adjudication of the suit, the applications are filed, moreover, the petitioner can as well oppose them at the time of marking and the relevancy of the documents cannot be looked into at this stage, as such, the court below has rightly allowed the applications. He further submitted that, even otherwise pursuant to the orders

of the court below, PW2 was recalled and the documents were already marked as A23 to A25 and therefore, the revisions have become infructuous and the petitioner has not made out any valid grounds warranting the interference of this Court and accordingly, prayed to dismiss the revisions.

7. In reply, learned counsel for the petitioner submitted that, the court below has passed orders on 18.07.2025 and the revisions were filed within a month without delay. He further submitted that, despite filing a memo stating that the petitioner has an intention to prefer a revision petition, the court below has examined PW2 and marked the documents, as such it cannot be said that the revisions have become infructuous.

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

9. The prime contention of the petitioner is that, after a delay of nearly 7 years of reopening the suit at the instance of the petitioner for adducing further evidence, the plaintiffs have filed the present applications for recalling the PW2 for the purpose of further examination-in-chief and receiving and marking of documents i.e., application(1-A-Namuna) dated 06.08.1989 submitted by the father of the 1st plaintiff, unregistered will dated 15.12.1998 executed by the father of the 1st plaintiff and certified copy of FLR of Kothavalasa Tahsildar, dated 25.10.2020. The other ground raised by the petitioner is that plaintiffs have failed to satisfy the court as to how the said documents are relevant to the suit of permanent injunction and why they could not file them

earlier, if they are so relevant and that they have not pleaded or proved any due diligence.

10. It is well settled that, relevancy of the documents cannot be decided at the stage of receiving the documents. The Apex court has categorically held that rules of procedure are hand-made of justice and therefore, even if there is some delay, evidence should be received. The Hon'ble Supreme Court has often allowed the filing of additional evidence or documents even after the prescribed time, provided the party can show that the evidence is relevant and the delay was not due to mala fide intentions. Further, it is always a right cast upon the other party to oppose for marking and for consideration of the document at the stage of marking.

11. In view of the above, this court is of the opinion that, the petitioner can dispute those documents at the time of marking, however since the documents were already marked through PW2, the petitioner can as well cross-examine the PW2, question those documents and raise objections on the grounds of delay. Therefore, this Court finds that no interference is required with the orders impugned and further no valid and justifiable grounds raised or urged in the present revisions warranting the interference of this Court, as such these revisions are liable to be dismissed.

12. Accordingly, both the civil revision petitions are **dismissed**. However, since the suit is of the year 2006, the court below shall proceed further as expeditiously as possible without granting any casual adjournments.

Miscellaneous applications, pending if any, shall stand closed.

BRS

JUSTICE RAVI CHEEMALAPATI