



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

[3327]

FRIDAY, THE 19th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CIVIL REVISION PETITION NO: 3609/2025

Between:

1. THUVVAPALLI MAHABOOB BASHA, S/O.SYED SAHEB, AGED ABOUT 35 YEARS, R/O.D.NO.4/192, G.V.SATHRAM, NANDYALAMPET VILLAGE AND POST, MYDUKUR MANDAL, YSR KADAPA DISTRICT.
2. THUWAPALLI HASSAIN BEE, W/O.SYED SAHEB, AGED ABOUT 66 YEARS, R/O.D.NO.4/192, G.V.SATHRAM, NANDYALAMPET VILLAGE AND POST, MYDUKUR MANDAL, YSR KADAPA DISTRICT.
3. SHAIK MAHABOOB CHAND, W/O.SHAIK SHA VALLI AGED ABOUT 45 YEARS, OCC HOUSE WIFE, R/O.D.NO.4/192, G.V.SATHRAM, NANDYALAMPET VILLAGE AND POST, MYDUKUR MANDAL, YSR KADAPA DISTRICT.
4. PATHAN MAHABOOB BEGUM, W/O.SHAIK SHA VALLI AGED ABOUT 42 YEARS, OCC HOUSE WIFE, R/O.D.NO.4/195, G.V.SATHRAM, NANDYALAMPET VILLAGE AND POST, MYDUKUR MANDAL, YSR KADAPA DISTRICT.
5. SHAIK ASHA MUNI, W/O.THUWAPALLY MAHABOOB BASHA AGED ABOUT 31 YEARS, OCC HOUSE WIFE, R/O.D.NO.4/192, G.V.SATHRAM, NANDYALAMPET VILLAGE AND POST, MYDUKUR MANDAL, YSR KADAPA DISTRICT.
6. G.GULSAR BEGUM, W/ O. CHINNA MOHAMMAD AGED ABOUT 35 YEARS, OCC BUSINESS, R/O.D.NO.3/217, CHINTAKUNTA VILLAGE AND POST, DUWUR MANDAL, YSR KADAPA DISTRICT.

...PETITIONER(S)

AND

1. PATHAN MAHABOOB CHAND, REP BY HER POWER OF ATTORNEY HOLDER PATHA INDHIYAZ KHAN (DIED) LRS, THE PLAINTIFFS NO. 1 TO 11 1).PATHAN SATHAR KHAN S/O.IMAM KHAN, AGED ABOUT 70 YEARS, OCC DEPENDER R/O.D.NO.1/95, G.V.SATHRAM, NANDYALAMPET VILLAGE AND POST, MYDKUR MANDAL, YSR KADAPA DISTRICT.
2. PATAN FAYAYAZ KHAN, S/O.SATHAR KHAN, AGED ABOUT 51 YEARS, OCC BUSINESS, R/O.D.NO. 1/95-C, G.V.SATHRAM, NANDYALAMPET VILLAGE AND POST, MYDKUR MANDAL, YSR KADAPA DISTRICT.
3. PATAN INTHYAZ KHAN, S/O.SATHAR KHAN, AGED ABOUT 50 YEARS, OCC BUSINESS, R/O.D.NO.L/95-A,G.V.SATHRAM, NANDYALAMPET VILLAGE AND POST, MYDKUR MANDAL, YSR KADAPA DISTRICT.
4. PATAN IRSHAD, S/O.SATHAR KHAN, AGED ABOUT 45 YEARS, OCC BUSINESS, R/O.D.NO.7/4015, SRINIVAS NAGAR, PRODDATUR TOWN, YSR KADAPA DISTRICT.
5. PATAN RIYAZ KHAN, S/O.SATHAR KHAN, AGED ABOUT 47 YEARS, OCC BUSTNESS, R/O.D.NO. 1/95, G.V.SATHRAM, NANDYALAMPET VILLAGE AND POST, MYDKUR MANDAL, YSR KADAPA DISTRICT.
6. PATAN GAYAZ, S/O.SATHAR KHAN, AGED ABOUT 39 YEARS, OCC BUSINESS, R/O.D.NO.1/95, G.V.SATHRAM, NANDYALAMPET VILLAGE AND POST, MYDKUR MANDAL, YSR KADAPA DISTRICT.
7. PATAN HAYATH KHAN, S/O.SATHAR KHAN, AGED ABOUT 35 YEARS, OCC BUSINESS, R/O.D.NO.L/95-A, G.V.SATHRAM, NANDYALAMPET VILLAGE AND POST, MYDKUR MANDAL, YSR KADAPA DISTRICT.
8. PATAN FIROZ KHAN, S/O.SATHAR KHAN, AGED ABOUT 33 YEARS, OCC BUSINESS, R/O.D.NO.1/95, G.V.SATHRAM, NANDYALAMPET VILLAGE AND POST, MYDKUR MANDAL, YSR KADAPA DISTRICT.

9. RAJA AHAMMADARI MUBBENA, W/O.MAHABOOB BASHA, AGED ABOUT 40 YEARS, OCC HOUSE WIFE, R/O.D.NO.4/180, SANRKHAPET VILLAGE, KHAJIPET POST AND MANDAL, YSR KADAPA DISTRICT.B
- 10.PATAN ZAREENA, W/O.AMEER BASHA, SATHAR KHAN, AGED ABOUT 35 YEARS, OCC HOUSE WIFE, R/O.D.NO.5/553, SIVA NAGAR, NELLORE ROAD, BADVEL TOWN AND MANDAL, YSR KADAPA DISTRICT.
- 11.KAKARAWAD FATHIMA, W/O.HUSSAIN VALLI, AGED ABOUT 30 YEARS, OCC HOUSE WIFE, R/O.D.NO.8-4-300/3,FLAT NO.6308, TOWER NO.6, VASAVI BHURVANDAVANMA, NEAR OLD METHAR FACTORY, MOTHI NAGAR, YERRAGDADDA, HYDERABAD, TELANGANA STATE.
- 12.BADVETI RAMA LAKSHUMAIAH, S/O.VENKATA SUBBAIAH, AGED ABOUT 58 YEARS, OCC BUSINESS, R/O.D.NO.4/477, CHINNA CHOWK, KADAPA CITY AND DISTRICT.
- 13.CHINREDDI NARAYANA REDDY, S/O.VARADA REDDY, AGED ABOUT 38 YEARS, OCC BUSINESS, R/O.VARADHAYAPALLI VILLAGE, UPPUGUNTAPALLI POST, MYDUKUR MANDAL, KADAPA DISTRICT.
- 14.CHINREDDY SUDHAKAR REDDY, S/O.VARADA REDDY, AGED ABOUT 31 YEARS, OCC BUSINESS, R/O.VARADHAYAPALLI VILLAGE, UPPUGUNTAPALLI POST, MYDUKUR MANDAL, YSR KADAPA DISTRICT.

...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 aggrieve by the orders in I.A.No.1554/2023 in O.S.No.82/2015 dated 29-08-2025 on the file of II Additional District Judge, Kadapa at Proddatur.

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 of all further proceedings in O.S.No.82/2015 on the file of the

11 Additional District Judge, Kadapa at Proddatur pending disposal of the CRP in the interest of justice.

Counsel for the Petitioner(S):

1.P NAGENDRA REDDY

Counsel for the Respondent(S):

1.S ARIFULLAH

The Court made the following:

ORDER:-

This Civil Revision Petition is directed against the Order dated 29.08.2025 passed in I.A.No.1554 of 2023 in O.S.No.82 of 2025 by the learned II Additional District Judge, Kadapa at Proddatur.

2. The suit in O.S.No.82 of 2015 on the file of the II Additional District Judge, Kadapa at Proddatur was originally filed by one Smt. Pathan Mahaboob Chand represented by her power of attorney holder Pathan Inthiyaz Khan. Later she died and her legal heirs came on record as plaintiffs in the suit. The suit is one for declaration of title, recovery of vacant possession of the suit schedule properties and consequential permanent injunction. The defendants filed their written statement resisting the suit and the matter proceeded to trial.

3. After completion of the evidence and when the suit was posted for arguments, the petitioners herein/defendant Nos.1 to 5 and 9 filed I.A.No.1554 of 2023 under Order XVI Rule 6 of the Code of Civil Procedure, 1908 seeking

issuance of witness summons to the Tahsildar of Mydukur Mandal, the Panchayat Secretary of Nandyalampet and the Sub-Registrar of Mydukur and to direct them to produce the following documents viz., 1B Nanuma, Adangals for the suit survey No.323/3 of Nandyalampet Village fields and houses' extract of suit schedule item Nos.1 & 3 and E.C. for the suit survey number 323/3 of Nandyalampet village fields, for the purpose of marking on behalf of the petitioners and to give evidence as DW5 to DW7.

4. The Trial Court dismissed the said application holding that there were no pleadings in the written statement with regard to the documents sought to be summoned; that the affidavit filed in support of the application did not disclose the relevance of those documents for adjudication of the dispute; that the documents mentioned in the petition are very much available in the form of certified copies; and that the application having been filed when the matter was posted for arguments, was intended only to protract the proceedings. Aggrieved by the same, the petitioners/defendant Nos.1 to 5 and 9 filed the present Civil Revision Petition.

5. Learned counsel for the revision petitioners submits that the Trial Court adopted an unduly technical approach in dismissing the application. He further submits that the suit, being one for declaration of title, the defendants are entitled to adduce the best possible evidence in support of their defence. He further submits that the revenue records are necessary for establishing the

petitioners' possession, succession and subsequent alienations, and therefore, the impugned order warrants interference.

6. Per contra, learned counsel appearing for the respondents contends that the petitioners have been filing one application after another after commencement of the trial and have also approached this Court on several occasions, thereby delaying the disposal of the suit. He further contends that the present application filed after closure of evidence and when the matter was posted for arguments, is only another attempt to prolong the litigation. He further contends that the Trial Court exercised its discretion on sound judicial principles when no there are no pleadings to that extent, and the impugned order does not call for interference.

7. The point that arises for consideration is – whether the Trial Court committed any jurisdictional error in dismissing the application filed under Order XVI Rule 6 C.P.C.?

8. It is not in dispute that the suit was filed in the year 2015 and that the evidence on both sides had already been completed. The application in question came to be filed after the suit was posted for arguments.

9. Order XVI Rule 6 C.P.C. enables the Court to summon any person merely for production of documents without requiring such person to enter into the witness box. The provision is intended to facilitate production of relevant documents necessary for effective adjudication. However, the Rule does not

create an absolute or indefeasible right in every litigant to secure issuance of summons irrespective of the stage of the proceedings or the bona fides of the request. The power under the Rule is discretionary and has to be exercised judiciously, having regard to the facts and circumstances of each case.

10. In the present case, the petitioners are seeking production of revenue records, panchayat records and registration records relating to Survey No.323/3. The Trial Court has recorded that the written statement contains no specific pleadings with respect to the documents sought to be summoned. Equally, the affidavit filed in support of the application does not explain how each of the proposed documents is necessary for adjudication of the controversy. Mere assertion that the documents are required to prove the defence cannot be treated as sufficient compliance with the requirement of establishing their relevance.

11. Another significant circumstance is that the documents sought to be summoned are public documents, certified copies of which are admittedly obtainable. The petitioners had ample opportunity during the pendency of the suit, which remained pending on the file since the year 2015, to obtain certified copies and mark them in accordance with law. No explanation whatsoever is forthcoming as to why such steps were not taken during the course of trial.

12. The Timing and stage of filing the application also assumes significance. Having allowed the trial to conclude and the matter to reach the

stage of arguments, the petitioners sought to summon Government officials for production of records and proposed to examine them as witnesses. Such a course would inevitably reopen the trial and delay the disposal of the suit. In the absence of any satisfactory explanation for the belated application, the Trial Court was justified in drawing an inference that the application lacked bona fides.

13. It is well settled that though procedural law is intended to advance the cause of justice, the provisions of the Code cannot be permitted to be invoked in a manner that enables a party to unnecessarily prolong the litigation. Where the Court finds that the application is not bona fide or that the documents could have been produced earlier by exercising due diligence, it is always open to refuse the prayer.

14. The order under challenge demonstrates that the Trial Court considered the relevant factors, namely, the absence of necessary pleadings, the failure to establish the relevance of documents, the availability of certified copies, and the advanced stage of the proceedings in the suit. The discretion exercised by the Trial Court cannot be said to be arbitrary, perverse or contrary to law. The impugned order does not suffer from any jurisdictional error or material irregularity warranting interference under Article 227 of the Constitution of India and this Court finds no merit in the Civil Revision Petition.

15. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous applications, if any, pending in the Civil Revision Petition shall stand closed.

JUSTICE K.SREENIVASA REDDY

Date: 19.06.2026

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HON'BLE SRI JUSTICE K.SREENIVASA REDDY

Civil Revision Petition No.3609 of 2025

Date: 19.06.2026

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