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APHC010440472026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3331]
(Special Original Jurisdiction)

THURSDAY, THE 15th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 2345/2026

Between:

1. VENDOTI SANDEEP REDDY, S/O MADHUSUDHAN REDDY,AGED ABOUT 38 YEARS,RIO DOOR NO. 24-6-386, T.F. 4TH FLOOR,GOVINDA NILAYAM APARTMENT,BANK OF BARODA BUILDING,DARGAMITTA, NELLORE- 524003.

...PETITIONER

AND

1. ALIMI RANJITH KUMAR, S/O ASHOK, AGED ABOUT 33 YEARS,R/O FLAT NO. 201, VEERA VENKATA NILAYAM,SRI RAM NAGAR COLONY, KONDAPUR,HYDERABAD- 500084.
2. ALIMI NITHIN, S/O ASHOK, AGED ABOUT 30 YEARS,R/O FLAT NO. 201, VEERA VENKATA NILAYAM,SRI RAM NAGAR COLONY, KONDAPUR,HYDERABAD- 500084.

...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 call for the records relating to I.A. No. 278 of 2026 in O.S. No. 1214 of 2019on the file of the III Additional Civil Judge Junior Division, Nellore and Set aside the order dated 03.08.2026 consequently reject the plaint in O.S. No. 1214 of2019

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 stay all further proceedings in OS No 1214 of 2019 pending on the file of III Addl. Civil Judge (Junior Division)

Counsel for the Petitioner:

1. KIRAN TIRUMALASETTI

Counsel for the Respondent(S):

1.

The Court made the following:

ORDER

The sole defendant in the suit O.S.No.1214 of 2019 on the file of the learned III Additional Civil Judge (Junior Division), Nellore, filed the above Civil Revision Petition (revision) against the order dated 03.08.2026 in I.A.No.278 of 2026 in O.S.No.1214 of 2019.

2. The parties to the revision shall be referred to as per their array in the suit.

3. The plaintiffs filed the suit O.S.No.1214 of 2019 against the defendant for recovery of amount on the strength of a promissory note. In the plaint, it was contended that the plaintiffs are brothers and the defendant is their friend. The defendant borrowed Rs.14,00,000/- on 07.10.2016 and executed a promissory note, but failed to repay the amount; hence, the suit was filed for recovery of the amount.

4. The defendant filed the written statement and has been contesting the suit.

5. Pending the suit, the defendant filed I.A.No.278 of 2026 under Order VII Rule 11(a) & (d) read with Section 151 of the Code of Civil Procedure, 1908 (C.P.C.) to reject the plaint.

6. In the affidavit filed in support of the petition, it was contended, *inter alia*, that the entire suit is founded upon Ex.A1, a promissory note. However, Ex.P1 is not a promissory note. It does not have the characteristics of a promissory note and thus, prayed to reject the plaint.

7. The plaintiff filed a counter and opposed the application. The trial Court dismissed the application.

8. Heard Sri Hemanth Kumar, learned counsel representing Sri Kiran Tirumulasetti, learned counsel for the petitioner.

9. Learned counsel for the petitioner reiterated the contentions as per the averments made in the affidavit.

10. It is a settled principle of law that while considering the application under Order VII Rules 11(a) & (d) C.P.C., the Court should confine itself only to the contents in the plaint. In a scenario where any question requires investigation into disputed questions of fact, or it requires evidence, the plaint cannot be rejected. The rejection of plaint at the threshold is a drastic power available to the Court, and therefore, while considering the application, the Court shall go by the averments in the plaint alone.

11. In **HS Deekshit vs Metropoli Overseas Limited**[1], the Hon'ble Apex Court held as under:

> "5. It is well-settled that while considering an application under Order 7 Rule 11 of the Code, the averments in the plaint alone are to be examined and no other extraneous factor can be taken into consideration."

[1] 2022 SCC OnLine SC 2024

12. In **Hardesh Ores Pvt. Ltd vs M/S. Hede And Company**[2], the Hon'ble Apex Court held as under:

> "25. …It is not permissible to cull out a sentence or a passage and to read it out of the context in isolation. Although it is the substance and not merely the form that has to be looked into, the pleading has to be construed as it stands without addition or subtraction of words or change of its apparent grammatical sense."

13. In the case at hand, the main contention is that Ex.A1 is not a promissory note and hence, the suit itself is to be rejected. The trial in the suit was commenced, and the promissory note was marked as Ex.A1. The trial Court concluded that the recital in Ex.A1 *prima facie* manifests that the defendant borrowed the amount and agreed to repay the same with interest. The trial Court also observed that Ex.A1 satisfies the ingredients of the Negotiable Instruments Act, 1881.

14. The conclusion arrived at by the trial Court is on a careful consideration of all the aspects pleaded by the defendant and eventually negatived the petition. The trial court passed a reasoned order, and this Court does not find illegality or irregularity. While exercising supervisory jurisdiction under Article 227 of the Constitution of India, this Court will not substitute its opinion as an appellate Court.

15. In **Nandi Infrastructure Corridor Enterprises Ltd. and Another Vs. B.Gurappa Naidu and Others**[3], the Hon'ble Apex Court, by referring to the decisions reported in **Shalini Shyam Shetty Vs. Rajendra Shankar Patil**[4]; **Estralla Rubber Vs. Dass Estate (P) Ltd.**[5], and **Garment Craft Vs. Prakash**

[2] 2007 (5) SCC 614
[3] 2026 SCC OnLine SC 745
[4] (2010) 8 SCC 329
[5] (2001) 8 SCC 97

Chand Goel[6] and considered the scope of supervisory jurisdiction under Article 227 and summarised the principles as follows:

> **"35.** In short, the principles laid down in the above matters, is as follows:
>
> a) The power of superintendence under Article 227 is not to be exercised unless there has been an (a) unwarranted assumption of jurisdiction, not vested in Court or tribunal, or (b) gross abuse of jurisdiction or (c) an unjustifiable refusal to exercise jurisdiction vested in Courts or tribunals.
>
> b) It is also well settled that the High Court while acting under this Article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record.
>
> c) The High Court exercising supervisory jurisdiction does not act as a court of first appeal to re-appreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported. The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal."

16. Given the above discussion, this Civil Revision Petition is dismissed, confirming the order dated 03.08.2026 in I.A.No.278 of 2026 in O.S.No.1214 of 2019 on the file of learned III Additional Civil Judge (Junior Division), Nellore. No costs.

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

SUBBA REDDY SATTI, J

Date : 15.10.2026

IKN

[6] (2022) 4 SCC 181