APHC010511252026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

THURSDAY, THE 1st DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION No. 2769/2026

BETWEEN:

1. CHALLA VENKATA SUBBA REDDY, S/o. C.SUBBA REDDY, AGED 69 YEARS, COLLEGE LIBRARIAN, R/o. No.11765-2, APPARAO BUILDINGS, Y.M.PALLI, KADAPA CITY & DISTRICT.

...PETITIONER

AND

1. RAJOLI PADMAJA, W/o. R. VEERA REDDY, AGED 56 YEARS, R/o. D.No.7/347-15, ROAD No.3, SIMHAPURI COLONY, KADAPA CITY & DISTRICT
2. KASIREDDY SREEVANI, W/o. K.JANARDHAN REDDY, AGED 76 YEARS, R/o. PATURUVILLAGE, NANDALUR MANDAL, KADAPA DISTRICT (Not necessary party)

...RESPONDENT(S):

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the above named Petitioner begs to present this Memorandum of Civil Revision Petition aggrieved by the Order dated. Against the Order dated 06.07.2026 in I.A.No. 239 of 2025 in A.S.No. 68/2024, on the file of the Court of the Honble Additional Senior Civil Judge, Kadapa.

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 stay all further proceedings in A.S.No. 68 of 2024 on the file of Additional Senior Civil Judge, Kadapa

Counsel for the Petitioner:

1. SODUM ANVESHA

Counsel for the Respondent(S):

The Court made the following:

ORDER:

The suit O.S. No.177 of 2014 filed by the petitioner herein for declaration of right and title over the suit schedule property and consequential injunction was decreed vide judgment and decree dated 24.09.2018, by the III Additional Junior Civil Judge, Kadapa.

2. Assailing the said judgment and decree, the respondent/defendant No.1 preferred appeal vide A.S. No.68 of 2024, on the file of the Additional Senior Civil Judge, Kadapa. While, the appeal is pending for consideration, the respondent/defendant filed I.A. No.239 of 2025 under Order 41 Rule 27, to receive five documents for proper adjudication of the appeal as the said documents are relevant.

3. The petitioner/plaintiff filed counter affidavit in I.A. No.239 of 2025 before the lower appellate Court asserting that the said application is filed with the malafide intention and in fraudulently manner. And it is settled law that fraud vitiates and undermined every legal proceeding. Additionally, it is stated that the respondent No.1 herein filed three CRPs before the High Court vide CRP No.711 of 2018, CRP No.752 of 2018 and C.R.P. No.701 of 2018 and withdrawn all the said three CRP's for the reasons best known only to the respondents/defendants, respondent No.1, withdrew all three CRPs, and notably, the

respondent/defendant did not mention or even allude the same in the petition in I.A. No.239 of 2025.

4. The learned lower appellate Court after considering the contentions raised by both the petitioner and respondent, refused to received the documents 1, 2 and 3 that were rejected previously and permitted to file documents 4 and 5 has allowed the application vide order dated 06.07.2026, observing that *henceforth, this Court is of the opinion that receiving of the documents1 to 3 is already adjudicated and in view of the same, the present petition is partly allowed by dismissing the petition for receiving of the documents 1 to 3 on record as additional evidence and with respect to documents4 and 5, this Court is inclined to allow the present petition to receive them on record as additional evidence by giving due opportunity both parties herein.* Accordingly, I.A. No.239 of 2025 in A.S. No.68 of 2024 is partly allowed by dismissing to receive the documents 4 and 5 on record as additional evidence invoking Order 41 Rule 27 of CPC and permitted the respondent/defendant herein to file additional chief affidavit for marking of the exhibits and opportunity to the petitioner herein to adduce rebuttal evidence.

5. Challenging the order dated 06.07.2026 in IA. No.239 of 2025 in A.S. No.68 of 2024, on the file of the Additional Senior Civil Judge, Kadapa, the present Civil Revision Petition is filed on the ground that

the appellate Court has erred in allowing the petition and the appellate Court ought to have decided the application to receive additional evidence along with the appeal rather than deciding at the initial stage and placed reliance of the judgment of the Hon'ble Apex Court in the case of ***Union of India v. Ibrahim and another*** reported in (**2012) 8 SCC 148** for the contention raised, and also relied on another judgment of the Hon'ble Apex Court in the case of ***G.S. and others vs. Union of India and others*** reported in (2020) 4 SCC 130, for the proposition that the appellate court must record the reasons for such admission. The primary contention in the Civil Revision petition is that the application filed under Order 41 Rule 27 of C.P.C. ought to have been heard along with the appeal as the issue pertains to a legal question, most of the facts have not been discussed in detail.

6. In this regard, it is profitable to extract the relevant provision to answer the issue effectively. Order XVI Rule 27 C.P.C. reads thus:-

> ***27. Production of additional evidence in Appellate Court. -***
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> *(1) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the Appellate Court,But if:*
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> *(a) the Court from whose decree the appeal is preferred has refused to admit evidence which ought to have been admitted, or*

(aa) the party seeking to produce additional evidence, establishes that notwithstanding the exercise of due diligence, such evidence was not within his knowledge or could not, after the exercise of due diligence, be produced by him at the time when the decree appealed against was passed, or

(b) the Appellate Court requires any document to be produced or any witness to be examined to enable it to pronounce judgment, or for any other substantial cause, the Appellate Court may allow such evidence or document to be produced, or witness to be examined.

(2) Wherever additional evidence is allowed to be produced by an Appellate Court, the Court shall record the reason for its admission.

7. After carefully examining the Or 41 rule 27, three eventualities are required to admit evidence first, where the court which passed the decree has refused to admit evidence which ought to have been admitted; second, where the party seeking to adduce such evidence establishes that, notwithstanding the exercise of due diligence, the evidence was not within its knowledge or could not have been produced at the time when the decree under appeal was passed; and third, where the appellate court itself requires any document to be produced or any witness to be examined in order to enable it to pronounce judgment or for any other substantial cause. According to this court that dismissing

an application at the initial stage may lead to prejudice or injustice to the party. If 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, it can be permitted to receive additional however subject to the eventualities specified in Or 41 rule 27. Dismissing at the initial stage the application for receiving additional evidence may cause prejudice in the said circumstance the Hon'ble Supreme Court held that the application should have been heard along with the appeal, though it need not necessarily be allowed.

8. In the case of ***Union of India v. K.V. Lakshman***, (2016) 13 SCC 124, the Apex Court held that the Court should allow the party to file such additional evidence, to do substantial justice to the parties. And the relevant paragraph is hereby extracted:

> "Order 41 Rule 27 of the Code is a provision which enables the party to file additional evidence at the first and second appellate stage. If the party to appeal is able to satisfy the appellate Court that there is justifiable reason for not filing such evidence at the trial stage and that the additional evidence is relevant and material for deciding the rights of the parties which are the subject matter of the lis, the Court should allow the party to file such additional evidence. After all, the Court has to do substantial justice to the parties. Merely because the Court allowed one party

to file additional evidence in appeal would not by itself mean that the Court has also decided the entire case in his favour and accepted such evidence. Indeed once the additional evidence is allowed to be taken on record, the appellate Court is under obligation to give opportunity to the other side to file additional evidence by way of rebuttal."

9. Furthermore, Rule (1)(b) of Rule 27 stipulates that the Court is empowered to receive additional evidence, if it is necessary to render a judgment effectively or for any other substantial reason. Rule (2) of Rule 27 stipulates that when an application for additional evidence is allowed, the Court must record reasons for doing so; the only requirement is that the Court must provide reasons for granting the application. However, rule 27 of Order 41 does not explicitly mandate that such an application must be heard together with the appeal.

10. Although the order does not provide a detailed order, the trial Court has assigned a reason, observing that, in order to provide an opportunity and in the interest of justice, the application for receiving additional evidence was allowed. This Court does not find any perversity in the order. And the Apex Court in the case of ***Union of India v. K.V. Lakshman*** held that the court should allow the party to file such additional evidence, to do substantial justice.

11. Therefore, the Civil Revision Petition is dismissed. No order as to costs.

As a sequel, interlocutory applications, if any, pending in this civil revision petition is stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 01.10.2026

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102

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

C.P.No. 2769 OF 2026

Date: 01-10-2026

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