IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

FRIDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE R RAGHUNANDAN RAO

SECOND APPEAL NO: 543 OF 2024

Appeal under Section 100 of the CPC, aggrieved by the Judgment and Decree passed in A.S.No.97 of 2022, dated 11-01-2024 on the file of VI Additional District Judge (Fast Tract Court) Bapatla, confirming the Judgment and Decree passed in O.S.No.358 of 2014, dated 27-09-2022 on the file of Additional Senior Civil Judge, Bapatla.

Between:

Indeti Srinivasa Rao, S/o.Venkateswarlu, aged 61 years, R/o.D.No. 6-180, East Pinnaboinavaripalem Village, East Bapatla, Bapatla Town and Mandal, Bapatla District, Erstwhile Guntur District.

...Appellant/Defendant

AND

Nagavarapu Nagaraju, S/o.Krishna Murthy, aged 47 years, Occ: Business, R/o.Amberpet, Bapatla Town and Mandal, Bapatla District, Erstwhile Guntur District.

...Respondent/Plaintiff

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IA NO: 2 OF 2024

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 order stay of execution of Decree and Judgment dt.27.09.2022 in OS No.358 of 2014 on the file of the Court of Learned Addl. Senior Civil Judge, Bapatla as has been confirmed the Decree and Judgment, Dt. 11.01.2024 passed in AS No. 97 of 2022 on the file of Court of Learned VI Addl. District Judge [FTC], Bapatla, pending disposal of the main Second Appeal.

Counsel for the Appellant :SRI NIMMAGADDA REVATHI

Counsel for the Respondent : --

The Court made the following: JUDGMENT

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APHC010132982024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3206]
(Special Original Jurisdiction)

FRIDAY ,THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

SECOND APPEAL NO: 543/2024

Between:

Indeti Srinivasa Rao ...APPELLANT

AND

Nagavarapu Nagaraju ...RESPONDENT

Counsel for the Appellant:

1. NIMMAGADDA REVATHI

Counsel for the Respondent:

1.

The Court made the following Judgment:

The respondent herein had filed O.S.No.358 of 2014 against the appellant, in the Court of the Additional Senior Civil Judge, Bapatla for recovery of money supported by a pronote dated 08.08.2012.

2. The case of the respondent was that the appellant had borrowed a sum of Rs.1,00,000/- on 08.08.2012 for family expenses and had executed a pronote in favour of the respondent for repaying the same with interest, compounded at the rate of 24% p.a. As the appellant was not paying the said

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amounts, the respondent had got a legal notice dated 31.07.2014 issued to the appellant. However, the appellant even after receipt of the notice on 04.08.2014 had not replied to the same prompting the respondent to file the suit.

3. The appellant took the defence, in his written statement, that the respondent had no acquaintance with the appellant. The appellant also contended that the respondent had certain financial dealings with his nephew, who is the son of his brother and due to the disputes between his nephew and the respondent, the present suit came to be filed against him as means of pressuring his nephew as well as himself. The appellant also denied his signature on the pronote which was subsequently marked as Ex.A1.

4. Both the trial Court and the appellate Court had held that the appellant had executed the pronote on the ground that the appellant had not really disputed the pronote except denying the same in the written statement. Both the trial Court and the appellate Court, after taking into account the fact that the appellant had not taken any steps to get the signature on the pronote compared with any of the admitted signatures and that the appellant had not produced any of the contemporaneous signatures for such comparison had held that the version of the appellant cannot be accepted. The appellate Court also took a further view that the signature of the appellant on the pronote could not have been forged by the respondent as he was unaware of the actual signature of the appellant. The appellate Court held that if the contention of the appellant that he had no acquaintance with the respondent

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was to be accepted, there would be no possibility for the respondent to know what the signature of the appellant looks like.

5. To sum up, both the trial Court and the appellate Court, on a finding of fact, had held that the defence of the appellant is not acceptable.

6. In such circumstances, and keeping in view of the fact that no substantial question of law really arises in this case, no further purpose would be served in proceeding with this appeal.

7. Accordingly, the Second Appeal is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, shall stand closed.

SD/- M RAMESH BABU
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VI Additional District Judge (Fast Tract Court) Bapatla
2. The Additional Civil Judge (Senior Division), Bapatla.
3. One CC to Sri Nimmagadda Revathi, Advocate [OPUC]
4. The Section Officer, V.R Section, High Court of Andhra Pradesh.
5. **Three CD Copies**

BSV

VNA

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HIGH COURT

DATED:20/09/2024

JUDGMENT

SA.No.543 of 2024

HIGH COURT OF ANDHRA PRADESH
27 NOV 2024
Current Section
DESPATCHED

DISMISSING THE SECOND APPEAL

WITHOUT COSTS

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