

**(SHOW CAUSE NOTICE BEFORE ADMISSION)**  
**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**  
**TUESDAY, THE TWENTY SEVENTH DAY OF JUNE**  
**TWO THOUSAND AND TWENTY THREE**



**:PRESENT:**

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**  
**CIVIL REVISION PETITION NO: 1432 OF 2023**

**Between:**

K.Lakshmi Narasamma, W/o (late) Jaganadha Pillai, Hindu, aged about 84 years, D.No.43-7-12 R/o Karvetinagaram Town, Post and Mandal, Chittoor District

**Revision Petitioner**  
**(Petitioner/Plaintiff)**

**AND**

1. S. Farvez Saheb, S/o Abjon, Muslim, Aged about 53 years, R/o East Street, D No.5-72 Karvetinagaram Town and Mandal, Chittoor District.
2. S. Bhaskar Raju, S/o S. Chengalraju, Hindu, Aged about 63 years, Retired APSRTC Employee, D.NO.6-18 R/o Raja Bhaduvula Street, Karvetinagar Town and Mandal, Chittoor District.
3. Jogi Gopi, S/o Peddabba Mandadi, Hindu, Aged about 49 years, R/o D.No.5-72, Bazar Street, Karvetinagaram Town and Mandal, Chittoor District.

**Respondents**  
**(Respondents/Defendants)**

WHEREAS the Petitioner above named through her Advocate Sri A SYAM SUNDAR REDDY presented this 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 set aside the Order dt.26-04-2023 passed in I.A.No.211/2023 in O.S.No.106/2016 on the file of Honourable Additional Junior Civil Judge at Puttur by allowing the same.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri A SYAM SUNDAR REDDY Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this CIVIL REVISION PETITION should not be admitted.

**You viz:**

1. S. Farvez Saheb, S/o Abjon, Muslim, Aged about 53 years, R/o East Street, D No.5-72 Karvetinagaram Town and Mandal, Chittoor District.
2. S. Bhaskar Raju, S/o S. Chengalraju, Hindu, Aged about 63 years, Retired APSRTC Employee, D.NO.6-18 R/o Raja Bhaduvula Street, Karvetinagar Town and Mandal, Chittoor District.
3. Jogi Gopi, S/o Peddabba Mandadi, Hindu, Aged about 49 years, R/o D.No.5-72, Bazar Street, Karvetinagaram Town and Mandal, Chittoor District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this CIVIL REVISION PETITION should not be admitted, on or before 28.07.2023 on which date the case stands posted for hearing.

**IA NO: 1 OF 2023**

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.106/2016 on the file of Honourable Additional Junior Civil Judge at Puttur, pending disposal of CRP 1432 of 2023, on the file of the High Court.

**ORDER:**

“This civil revision petition under Article 227 of the Constitution of India has been filed challenging the Order dated 26.04.2023, passed in I.A.No.211 of 2023 in pending O.S.No.106 of 2016, on the file of Additional Junior civil Judge at Puttur.

2. The plaintiff petitioner filed the I.A. with a prayer to reopen the case for purpose of cross-examine of D.W.1 and D.W.2.

3. Learned counsel for the petitioner submits that the examination of the witnesses is being conducted by issuing the Advocate Commissioner. He submits that 02.04.2023 was the date fixed for recording of the evidence. The evidence of P.W.2 was recorded and the evidence of D.W.1 commenced, during which plaintiff's counsel objected to marking of certain documents of D.W.1, requesting the Advocate Commissioner to record the objections. At that stage, the defendants 1 and 2 and their counsel extended threat with dire consequences and the said attitude was not changed, in spite of the advise of the Advocate Commissioner. It became very difficult to record the examination before the Advocate Commissioner. The petitioner submitted a memo to the Advocate Commissioner, a copy of which is annexed at page 42 of the petition, requesting to return the warrant to the Court and to permit the petitioner to cross examine D.Ws.1 and 2 in the public court. The Commissioner also submitted its report (at page-44 of the petition) to the Court, referring to the memo filed by the petitioner, and also returning the commission warrant, with the enclosures, that the commission warrant was partly executed.

4. Thereafter, the petitioner filed I.A.No.211 of 2023 in Court, which has been rejected by observing as under: “on perusing the rival contentions of

both parties, this Court gave several opportunities to the petitioner/plaintiff to cross-examine D.Ws.1 and 2, the petitioner could not cross-examine D.Ws.1 and 2 for the reasons best known to the petitioner/plaintiff, in view of the facts and circumstances of the case, this Court is not inclined to allow the petition."

5. Prima facie, in view of the submissions advanced, the report of the Advocate Commissioner, and the memo filed by the petitioner, the matter requires consideration at depth, with opportunity to the respondents, to ensure fair and transparent trial.

6. Issue notice to the respondents.

7. In addition to the normal mode of service, the petitioner is permitted to take out personal notice for service through registered post with acknowledgment due and file proof of service before the next date.

8. Post on 28.07.2023.

9. Learned counsel for the petitioner submits that the suit was fixed on 26.06.2023 and now it is posted in the next week.

10. Till the next date of listing, further proceedings in O.S.No.106 of 2016, on the file of Additional Junior Civil Judge at Puttur shall remain stayed.

11. The order of the trial Court pursuant to which the evidence is being recorded on commission, shall also be produced before this Court."

SD/- N. NAGAMMA  
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Additional Junior Civil Judge at Puttur
2. S. Farvez Saheb, S/o Abjon, Muslim, Aged about 53 years, R/o East Street, D No.5-72 Karvetinagaram Town and Mandal, Chittoor District.
3. S. Bhaskar Raju, S/o S. Chengalraju, Hindu, Aged about 63 years, Retired APSRTC Employee, D.NO.6-18 R/o Raja Bhaduvula Street, Karvetinagar Town and Mandal, Chittoor District.
4. Jogi Gopi, S/o Peddabba Mandadi, Hindu, Aged about 49 years, R/o D.No.5-72, Bazar Street, Karvetinagaram Town and Mandal, Chittoor District.  
(Addresses 2 to 4 by RPAD – along with a copy of petition and memorandum of grounds)
5. One CC to SRI. A SYAM SUNDAR REDDY Advocate [OPUC]
6. One spare copy

