

HON'BLE SRI JUSTICE R.SUBHASH REDDY

-

CIVIL REVISION PETITION No.4156 of 2015

-

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant No.3 aggrieved by the order and decree dated 29.04.2015 in I.A.No.109 of 2015 in O.S.No.217 of 2007 passed by the II Senior Civil Judge, City Civil Court, Hyderabad, allowing the application filed by the 1st respondent/plaintiff under Order 7 Rule 14(3) r/w. Section 151 of C.P.C., to receive the proposed list of documents.

2. The 1st respondent/plaintiff has filed the aforesaid suit against the petitioner/defendant No.3 and other respondents herein for recovery of a sum of Rs.2,43,460/- from out of business transaction. Along with the suit, the 1st respondent/plaintiff filed xerox copies of Certificate of Incorporation and letters dated 18.08.2004 and 13.12.2004 etc. By virtue of the present application being I.A.No.109 of 2015, the 1st respondent/plaintiff seeks to replace those documents with certified copies, besides filing statement of account. The Court below has allowed the said application by condoning the delay, through the impugned order dated 29.04.2015, receiving the said documents, subject to proof and relevancy, with a liberty to the petitioner/defendant No.3 to take objection with regard to their relevancy and admissibility, so also with regard to their genuineness, while marking the said documents. Hence, the present civil revision petition.

3. Sri T. Rathnakar, learned counsel for the petitioner/defendant No.3 contended that inspite of taking objection for receiving such documents on the ground that the same are not admissible in evidence, without considering the said objection, the Court below

allowed the said application.

4. On the other hand, Sri V. Hari Haran, learned counsel for the 1st respondent/plaintiff sought to sustain the impugned order.

5. It is to be noticed that the impugned order is passed, observing that the said documents are received, subject to their proof and relevancy, while giving liberty to the petitioner/defendant No.3 to raise objection with regard to their relevancy and admissibility at the time of marking the said documents. Mere receiving of the said documents cannot be construed as the said documents were allowed to be marked in evidence. In view of the safeguards provided in the impugned order itself, I do not find any illegality in the impugned order, warranting interference by this Court under Article 227 of the Constitution of India.

6. Accordingly, this civil revision petition is dismissed, at the stage of admission. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

01.10.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.4156 of 2015

01.10.2015

Msr