

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.846 of 2014

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Arbitration for the respondents.

2. In this Revision, the petitioner has challenged the Order dt.12-02-2014 in I.A.No.87 of 2014 in A.S.No.12 of 2011 of the Senior Civil Judge, Srikalahasthi. In the said order, the learned Judge had dismissed the said I.A. filed under Order 41 Rule 27 CPC to receive certain documents as additional evidence in the above appeal filed by the petitioner.
3. Learned counsel for the petitioner would contend that application for receiving additional evidence cannot be decided independently and has to be decided only along with appeal and placed reliance on the judgment of the Supreme Court in **State of Rajasthan Vs. T.N.Sahani and others** and the judgment of this High Court in **Nandam Rama Rao Vs. Battu Rama Rao**. In those cases, the Supreme Court as well as this High Court have taken the view that the application under Order 41 Rule 27 should be decided along with the appeal and no view should be taken on the said application before hearing of the appeal.
4. This legal position is not disputed by the learned Government Pleader.
5. Therefore, the Order dt.12-02-2014 in I.A.No.87 of 2014 in A.S.No.12 of 2011 of the Senior Civil Judge, Srikalahasthi is set aside and the said I.A. is restored to the file of the said Court with a direction to decide the said I.A. along with the appeal.

6. Accordingly, the Civil Revision Petition is allowed. No costs.
7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 02-06-2015

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