

HONOURABLE SRI JUSTICE M.S.K.JAISWAL

C.R.P.No.3348 of 2015

ORDER:

This Civil Revision Petition is directed against the order of the learned Principal Junior Civil Judge, Vizianagaram, dated 24.06.2015 dismissing I.A.No.568 of 2015 in O.S.No.199 of 2012 filed by the plaintiff, who is the revision petitioner herein..

The petitioner-plaintiff filed the aforesaid suit against the respondents-defendants for permanent injunction in respect of the suit schedule property. The contention of the petitioner is that the document i.e., True copy of FMB of Survey No.01/01 to 4 dated 10.07.2013 was not available at the time of filing of the suit and it was traced out recently and as such she filed the aforesaid I.A.No.568 of 2015 seeking to receive the said document to prove her case. The trial Court, on a consideration of the entire material available on record, dismissed the said application holding that the document in question was obtained one year after filing of the suit and as such the aforesaid contention of the petitioner cannot be believed.

In the aforesaid suit, the evidence of the petitioner-plaintiff is not yet closed. Since the document in question is a public document, no prejudice will be caused to the respondents-defendants in receiving the said document and further the said document will facilitate the Court to arrive at a just conclusion in deciding the suit. In this view of the matter,

the document in question shall be received subject to proof and relevancy.

The Civil Revision Petition is accordingly allowed and the impugned order dated 24.06.2015 is set aside and I.A.No.568 of 2015 is allowed subject to the condition of the petitioner-plaintiff paying an amount of Rs.500/- (Rupees Five hundred only) towards costs to the respondents-defendants. On ascertaining the fact that the costs imposed by this Court are paid, the trial Court shall receive the document in question subject to proof and relevancy. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

28-08-2015

Gsn