

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.1477 of 2015

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondents.

2. The petitioner herein is fifth defendant in O.S.No.160 of 2008 on the file of the Court of the Additional Senior Civil Judge, Karimnagar (for short, trial Court). The first respondent herein filed the said suit for partition. In the said suit, the first respondent also filed I.A.No.313 of 2014 seeking permission of the trial Court to receive certain documents as exhibits. A counter-affidavit was filed by defendants 5 to 7 (petitioner and respondents 6 and 7 herein) stating that the first respondent had not filed any documents along with the petition and certain averments were made on facts also. However, the trial Court allowed the said application, by order dated 29.01.2015, by holding as follows:

“8) Now this petition is filed by the petitioner alleging that the documents now sought to be received are with the defendant No.1 and thereby he could not file it earlier, now receiving the same held to prove the case of the plaintiff. Whether the facts mentioned in the petition by the petitioner with regard to the incurring expenses for the divorce of defendant No.5, allotment of letter, divorce deed undertaking etc., are with the defendant No.1 are not cannot be decided at this juncture. But the documents now sought to receive by the petitioner are pertaining to the suit property like sale deed, permission letter, tap and electricity bills undertaking the gift deed etc., thereby it cannot be said that those are irrelevant documents. At the same time the said documents are filed along with the petition to receive the same.

9) Mere delay in filing the documents itself is not a ground to reject the prayer of the petitioner, more particularly when the reason is assigned in the petition. As discussed above, mere receiving the documents itself does not prove the contents of the documents and the version of the petitioner, and moreover the other side will get an opportunity to disprove the same. As it is just and proper to decide the matter in issue by considering all the relevant documents of both sides, I am inclined

to consider the prayer of the petitioner as no prejudice will be caused and further in the interest of justice.”

3. When the present Civil Revision Petition came up for admission, the learned counsel for the petitioner submitted that I.A.No.313 of 2014 was allowed without any list of documents, and in those circumstances, this Court called for the record from the trial Court in I.A.No.313 of 2014 and it is noticed that it contained a list of documents. In view of the same, the contention of the learned counsel for petitioner does not survive for consideration.

4. Since this is a suit for partition and the plaintiff wanted to file certain documents, he shall not be denied the benefit of the same and the trial Court passed an order keeping the circumstances into consideration. I am not inclined to entertain the present Civil Revision Petition and the same is, accordingly, dismissed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 08.12.2015

TJMR