

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Civil Revision Petition No.1568 of 2015

ORDER:

This revision is directed against the order dated 12.03.2015 in I.A.No.58 of 2015 in O.S.No.33 of 2011 passed by the Senior Civil Judge, Sompeta, dismissing the petition filed by the petitioners/defendant Nos.1, 2, 4 and 5 under Order VIII Rule 14(3) of C.P.C (sic Order VIII Rule 1A(3) of C.P.C) seeking to receive documents and mark them as exhibits on behalf of petitioners.

2) As can be seen from the impugned order, the petitioners/defendant Nos.1, 2, 4 and 5 filed certain documents such as registered sale deed dated 12.04.2006, two pattedar pass books, house tax receipts and certificate issued by Sarpanch of Buddapadu Panchayat etc, and requested the trial Court to receive them and mark as exhibits on their behalf. The trial Court dismissed the petition on the ground that the documents were filed belatedly when the matter was coming up for defendants evidence.

3) Heard both sides.

4) The submission of learned counsel for revision petitioners is that the suit under trial is a partition suit wherein the valuable rights of the parties are at stake and the documents now sought to be marked were misplaced during the relevant period and hence they could not be produced in time and unless the petition is allowed and an opportunity is given to the petitioners/defendants to produce them, they cannot effectively establish their defence

contention and hence, petition may be allowed.

5) Per contra, opposing the petition learned counsel for respondents/ plaintiffs argued that the defendants plea that the documents were misplaced during the relevant period is false inasmuch as some of the documents sought to be marked are of the recent origin and so their misplacement at the time of filing written statement does not arise and the documents are fabricated and if the petition is allowed now, the plaintiffs have to recall themselves for further examination which will cause any amount of hardship and therefore, the petition may be dismissed.

6) In the light of above rival arguments, the point for determination in this petition is:

“Whether there are merits in this revision petition to allow?”

7) **POINT:** A perusal of the copy of the plaint in O.S.No.33 of 2011 shows that it is a partition suit and the petitioners are the defendants therein. Agreeing with the submission of petitioners that valuable rights of the parties are at stake, this Court tend to allow the petition in the interest of justice.

8) In the result, this C.R.P is allowed setting aside the order dated 12.03.2015 passed in I.A.No.58 of 2015 in O.S.No.33 of 2011 by the Senior Civil Judge, Sompeta and the trial Court is directed to receive the documents mentioned in the said I.A and mark them as exhibits on behalf of petitioners/defendant Nos.1, 2, 4 and 5 subject to admissibility under relevant law.

U. DURGA PRASAD RAO, J

Date: 22.06.2015

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