

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.352 of 2015

-
Dated 20.02.2015

Between:

Mohd.Maher Alam Khan

...Petitioner

and

Malgari Chandra Shekar Reddy and another

...Respondents

Counsel for the Petitioner: Mr.Mohd.Ghulam Hussain

Counsel for the respondents: ---

The Court made the following:

Order:

This Civil Revision Petition arises out of Order, dated 23.01.2015, in IA.No.852 of 2014 in OS.No.14 of 2013 (old OS.No.14 of 2013) on the file of the Court of the learned Senior Civil Judge, Vikarabad, Ranga Reddy District.

I have heard Mr.Mohd.Ghulam Hussain, learned Counsel for the petitioner, and perused the record.

The respondents have filed the above-mentioned suit for permanent injunction restraining the petitioner from interfering with their possession and enjoyment of the suit schedule property. It appears that the petitioner also has filed a suit *viz.*, OS.No.12 of 2009 on the file of the same Court seeking cancellation of sale deed, dated 25-01-2007, which was marked as Ex.A.1 in OS.No.14 of 2013, on the ground that the same is fabricated, and for other allied reliefs. Both the suits appear to have been clubbed.

In OS.No.14 of 2013, the respondents have filed IA.No.852 of 2014 under Order XIII Rule 9 of the Code of Civil Procedure, 1908 (CPC) for return of the original documents marked as Exs.A.1 and A.3 to A.5. The said application was allowed by the order under revision.

At the hearing, Mr.Mohd.Ghulam Hussain, learned Counsel for the petitioner, submitted that under Clause (b) of the first proviso to Rule 9 of Order XIII of the Code of Civil Procedure, 1908 (CPC), for taking return of the original documents, the party has to give an undertaking that he will produce the same, if required to do so, and that no such undertaking has been filed by the

respondents. While submitting further that the documents in question have already been returned to the respondents, the learned Counsel has expressed an apprehension that the respondents may use the same for creating further evidence to strengthen their pleas in the suit filed by them.

In as much as Exs.A.1 and A.3 to A.5 have already been returned to the respondents, in order that the above-mentioned rule is satisfied, the lower Court is directed to obtain an undertaking from the respondents to produce them, if and when required for adjudication of the above-mentioned suits.

As regards the apprehension of the learned Counsel referred to above, it is made clear that any events, connected with the documents in question, that may transpire after taking return of the same shall not constitute relevant evidence in support of the case of the respondents in the suits.

Subject to the above direction and observation, the Civil Revision Petition is disposed of.

As a sequel to disposal of the Civil Revision Petition, CRPMP.No.444 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 20th February, 2015
LUR