

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

Civil Revision Petition No.1739 of 2015

Between:

Karri Byragi and others.

... Petitioners/Petitioners/Defendants 4 to 7

and

Pilla Surya Rao @ Chandra Rao.

... Respondent/Respodnent/Plaintiff

Pilla Venkata Rao and others.

...Respondents/Respondents/Defendants 1 to 3 &8

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DATE OF JUDGMENT PRONOUNCED: 24.07.2015.

SUBMITTED FOR APPROVAL:

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

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|---|---|--------|
| 1 | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be
marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION No.1739 of 2015

ORDER:

Heard Sri M. Radhakrishna, Learned Counsel for the petitioners and Smt. T.V. Sridevi, Learned Counsel for the respondents. This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the Principal Junior Civil Judge, Anakapalli in I.A. No.525 of 2014 in O.S. No.41 of 2006 dated 07.11.2014.

The petitioners herein are the petitioners in I.A. No.525 of 2014 and the defendant in O.S. No.41 of 2006. They filed I.A. No.525 of 2014 to receive three documents i.e., (1) unregistered and unstamped sale deed dated 02.10.1957, (2) registration extract of sale deed pertaining to the neighbour of the schedule property and (3) registration extract of sale deed dated 08.05.2006.

After a counter was filed thereto by the respondents-plaintiffs, the Court below, following the judgment of this Court in **Ravi Satish v. Edala Durga Prasad**^[1], held that receiving of documents, after filing the written statement, could be permitted only if leave of the Court was sought; such leave could not be granted for the mere asking; reasons must be furnished for not filing the same along with the written statement; no reasons have been assigned by the petitioner for not filing the document along with the written statement; the only reason furnished, of delay having been caused in obtaining public copies, was not satisfactory as it was not mentioned when the public copies had been applied for, and were supplied.

While the Court below has, no doubt, held that no satisfactory

explanation was furnished by the petitioner for the delay caused in obtaining public copies, it also appears have been swayed by the fact that the documents were unregistered and unstamped and, therefore, could not be received in evidence. The question of relevance or admissibility and proof of documents are matters which would not be examined at the time of its receipt. In an application filed under Order 8 Rule 1(3) CPC, the Court is merely required to consider whether or not leave should be granted for production of documents, which ought to have been produced in Court by the defendants earlier. While leave under Order 8 Rule 1(3) CPC is not to be granted as a matter of course, considerations of relevance of the documents cannot weigh in deciding an application under this rule. It is only later, when the documents are sought to be marked, would the Court be required to consider the admissibility and proof of such documents.

As the Court below appears to have been swayed by the irrelevance of the documents, in rejecting the appeal, I consider it appropriate to set aside the order, and remand I.A. No.525 of 2014 for the consideration of the Court below afresh, and in accordance with law. It is made clear that this Court has not expressed any opinion on merits, and the Court below shall decide the I.A. uninfluenced by any observations made in this order.

The Civil Revision Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

RAMESH RANGANATHAN, J

Date: 24.07.2015

MRKR

^[1] 2009 (3) ALT 236