

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

CIVIL REVISION PETITION No.734 of 2014

-
-
ORDER:
-

This Civil Revision Petition is filed challenging the order

dt.07-02-2014 in I.A.No.60 of 2013 in O.S.No.22 of 2002 of the

II Additional Senior Civil Judge (Fast Track Court) at Mahabubnagar in so far as the said Court declined to receive "Oppudala Patram"

dt.12-07-1996 filed in the Court by petitioners.

2. The petitioners are defendant Nos.1 to 3 in the suit. The said suit was filed prior to the amendment to the Code of Civil Procedure vide Code Civil Procedure (Amendment) Act, 2002 (22 of 2002) which came into effect from 01-07-2002.

3. The petitioners filed an application under Order VIII Rule 1(A)(3) C.P.C. to receive the above referred "Oppudala Patram" dt.12-07-1996 along with other two documents.

4. By order dt.07-02-2014, the Court below agreed to receive the other two documents but refused to receive

this “Oppudala Patram” dt.12-07-1996 on the ground that it is an unregistered relinquishment deed.

5. Challenging the same, this Revision is filed.

6. The learned counsel for petitioners Sri P.Gangarami Reddy contends that at the stage of receiving of documents, the trial Court is not entitled to go into the question of admissibility and relevancy of the documents.

7. This is not disputed by the learned counsel for respondent Nos.3 and 5, Sri V.Padmanabha Rao.

8. Also it is not a case where Order VIII Rule 1(A)(3) C.P.C. would be attracted because the said provision was introduced by Act 22 of 2002 w.e.f. 01-07-2002 and suit having been filed prior thereto, this provision will not apply.

9. In this view of the matter, the Civil Revision Petition is allowed, and the order dt.07-02-2014 in I.A.No.60 of 2013 in O.S.No.22 of 2002 of the II Additional Senior Civil Judge (Fast Track Court) at Mahabubnagar is set aside in so far as the said Court had declined to receive the document “Oppudala Patram” dt.12-07-1996 sought to be filed by petitioners. No costs.

10. However, it is made clear that respondents are entitled to raise whatever objections that are available to

them at law both with regard to the admissibility of the said document as well as its relevancy at the time when the said document is sought to be marked in the evidence of D.W.1.

11. As a sequel, miscellaneous petitions pending if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 27-08-2015

Vsv