

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.5366 of 2016

ORDER:

The revision came for hearing before admission and before notice to the respondents.

In fact, a perusal of the affidavit filed in support of the petition covered by the impugned dismissal order dated 31.08.2016 in I.A.No.299 of 2016 in O.S.No.169 of 2004 passed by the Senior Civil Judge, Miryalaguda, Nalgonda District, particularly from Para Nos.2 to 4 show filing of certified copy is not sufficient as contemplated by Rule 129 of the Andhra Pradesh Civil Rules of Practice and Circular Orders, 1990 (for short 'the Rules'). The lower Court in dismissal of the application did not consider properly the scope of Rule 129(3) supra.

Having regard to the above, the order is liable to be set aside as it requires fresh consideration, particularly with reference to clause (3) of Rule 129 of the Rules, as it is the contention, in the course of revision, by the learned counsel for the unsuccessful petitioners/ plaintiffs against the impugned order of the lower Court that it is their defence of tampering and manipulation to the original entry and certified copy will not reflect the same unless the original is produced and exhibited. The matter thereby requires remand instead of admission and kept pending by giving life to the litigation by summoning the respondents to have their say. Thus, to sub-serve the ends of justice, this Court is directing the lower Court if necessary to take any additional affidavit and additional

response/ counter from the parties and determine the application with reference to Rule 129(3 & 4) of the Rules.

With the above directions and observations, the Civil Revision Petition is disposed of. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

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Dr. B. SIVA SANKARA RAO, J

Date:23.12.2016

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