

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.5374 of 2016

ORDER :

This revision is filed by the defendant No.4 impugning the order dated 17.12.2016 of the IX Junior Civil Judge, City Civil Court, Hyderabad, (for short, 'the trial Court') in I.A.No.30 of 2016 in O.S.No.562 of 2012, which is an application filed by the plaintiffs to receive the registration extract of the sale deed as public document within the meaning of Section 74 of the Indian Evidence Act, 1872 (for short, 'the Act') to exhibit on their side.

2. The trial Court passed the order only to receive the document for condoning the delay in filing. It is not the case of the revision petitioner/defendant No.4 that the plaintiffs are in custody of the document and by withholding since filing of suit, cannot be now permitted to file with delay condonation application invoking order VII Rule 14 (1) C.P.C. When it is a registration extract, to prove that document and filed to receive the document and what the trial Court allowed is only to receive the document and receiving of document is different from marking and proving even after marking, there is nothing to interfere with the impugned order.

3. Coming to the contention of revision petitioner that, the original registration extract of the sale deed said to have been obtained by the plaintiffs in filing the same that was received by the impugned order of the trial Court is in variance in original document and under deposit by creating equitable mortgage with the revision petitioner.

Needless to say, if at all while marking the registration extract, objection is left open to mark subject to objection including regarding proof, relevancy and admissibility for ultimately to decide the same by the trial Court. The scope of law in this regard is clear from the expression of this Court in C.R.P.No.4384 and 4385 of 2015 dated 29.09.2016 between Kathi Narsinga Rao v. Kodi Supriya and another.

Needless to say, if at all the revision petitioner-financier claiming in custody of the original document, to show the variance got a right to confront the plaintiff during cross-examination and for that but for to file with memo no petition even is required from the very wording of Order VII rule 14 (4) of C.P.C. equivalent to Order VIII Rule 1-A (4) of C.P.C.

4. Accordingly and subject to the above observations, the revision is disposed of for nothing more to interfere.

5. Miscellaneous petitions pending, if any, shall stand closed. No costs.

Dr. B. SIVA SANKARA RAO, J

30th November 2016.

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