

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2543 OF 2016

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed challenging the Docket Order dated 07.01.2016 in I.A. No.318 of 2015 in O.S. No.3833 of 2010, passed by the X Junior Civil Judge, City Civil Court, Hyderabad. under Rule 9 of Order XIII of the Code of Civil Procedure, 1908 (for short, 'CPC') for return of documents.

02. The trial court, by Docket Order dated 07.01.2016, whiel ordering to return of documents, directed the revision petitioners to furnish certified copies of those documents.

03. It is the contention of the revision petitioners that the suit was dismissed as withdrawn and those documents are not required for any purpose and the question of directing the petitioners to substitute the same by certified copies of the same does not arise in normal course of event. In those circumstances, insisting to produce certified copies of the documents is unwarranted.

04. Learned counsel for the respondents has reported no objection to allow the revision petition.

05. In view of the dismissal of the suit as withdrawn and no objection reported by the counsel for the revision petitioners, I find that the condition imposed by the trial court to substitute certified copies of the documents which were marked as Exs.R.1 to R.47 and other unmarked documents is erroneous, since the certified copy cannot be issued for unmarked documents and they can be returned even according to Rule 9 of Order XIII of CPC without any undertaking and similarly the documents marked as Exs.R.1 to R.47 are not required for any other purpose in the present suit since the suit itself was withdrawn and is dismissed.

06. Therefore, the condition imposed by the trial court to

substitute certified copies of the documents is set aside, while maintaining the other part of the order.

07. Accordingly, the revision petition is allowed in part. No costs.

08. Miscellaneous petitions, if any, pending in this civil revision petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 27.08.2016

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