

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition No.1006 of 2016

ORDER:

This revision under Article 227 of the Constitution of India by the unsuccessful petitioners-defendants is directed against the intermediary order dated 28.12.2015 of the learned Junior Civil Judge, Vuyyuru, passed during the course of the trial in OS.no.250 of 2013 whereby the learned Junior Civil Judge, while upholding the objection of the respondent-plaintiff for DW1 exhibiting exhibits R1 and R2, stated to be a copy of the registered Will and a copy of the police complaint, refused permission to DW1 to mark those documents.

Heard Sri Narasimha Rao Gudiseva, learned counsel for the revision petitioners-defendants and Sri Sai Gangadhar Chamarthy, learned counsel for the respondent-plaintiff.

At the hearing, the learned counsel for the revision petitioners-defendants, having contended that the defendants have already obtained registration extract of the registered Will and that they intend to take steps to summon the Officer of the Police Station concerned to produce the original police complaint and that therefore they now do not intend to mark the copies of the documents, which are not permitted to be marked through DW1, would submit that the revision petition may be disposed of confirming the order of the trial Court, however, reserving liberty to the defendants to file appropriate applications for tendering proper copy/admissible copy of the registered Will and also to summon the police officer concerned to produce the original complaint insofar as the copy of complaint, which was refused to be exhibited.

Recording the aforesaid submissions, the Civil Revision Petition is disposed of, however, confirming the order of the trial Court with the liberty afore-stated.

It is needless to state that if any applications are filed by the defendants pursuant to the leave obtained from this Court, the trial Court shall give an opportunity to the plaintiff to file counters and then dispose of the said applications on merits and in strict accordance with the procedure established by law, uninfluenced by the observations, if any, in this order. No costs.

Miscellaneous petitions, pending if any, in this revision shall stand dismissed.

JUSTICE M. SEETHARAMA MURTI

16th November, 2016
Vjl

