

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.2330 of 2015

ORDER:

In this civil revision petition under Article 227 of the Constitution of India filed by the plaintiff in O.S.No.131 of 2013 (Old O.S.No.62 of 2009) presently on the file of the learned Senior Civil Judge, Vikarabad, Ranga Reddy District, the grievance of the plaintiff appears to be that the aforementioned suit is not being disposed of and that since a long time, there is no further progress in the trial proceedings in the suit though the affidavit in lieu of examination in chief of the plaintiff was filed long time back.

Having regard to the grounds urged in the revision petition and the submissions of the learned counsel, this Court, by order dated 17.10.2016, called for a report from the learned Senior Civil Judge, Vikarabad to know about the stage of trial or status of the suit. The learned Judge, vide his letter dated 18.10.2016, furnished a report. A perusal of the said report and the material on record would show that the plaintiff brought the suit against her son to declare the gift deed dated 16.08.2002, bearing document no.1728/2002, as null and void and for costs and that in the said suit, the plaintiff filed I.A.No.102 of 2015 requesting the Court to direct the defendant to produce the original Gift Settlement Deed and that the said application was allowed on 20.04.2015 directing the defendant to produce the said document by 30.04.2015 and that later, I.A.No.521 of 2014 which was also filed by the plaintiff to restrain the defendant from alienating the property pending disposal of the suit was allowed on 30.09.2015 and that since the order of the Court below directing the production of the Gift Settlement Deed by the defendant is not complied with to enable the Court

to forward the same to a Forensic Science Laboratory for obtaining opinion of an expert as to the genuineness or otherwise of the signatures of the executant of the said document, the suit is being adjourned.

Having regard to the facts and submissions, this Court is of the considered view that there cannot be an un-ending wait for the production of the Gift Settlement Deed by the defendant as per the orders dated 20.04.2015 in I.A.No.102 of 2015. For non-production of the said document, the proceedings in the suit need not be stalled detrimental to the interests of the plaintiff/petitioner and the trial Court can proceed further with the trial of the suit leaving it open for it to draw, at an appropriate stage, an adverse inference against defendant for non-production of document as directed by it, provided the facts so warrant and the law permits so to do. Viewed thus, this Court finds that the revision petition can be disposed of with appropriate directions.

Accordingly, the revision petition is disposed of directing the learned Senior Civil Judge, Vikarabad, to proceed with the further proceedings in the trial of the suit notwithstanding the non-production of the Gift Settlement Deed by the defendant as directed in its orders dated 20.04.2015 in I.A.No.102 of 2015 and leaving it open for the Court to draw, at an appropriate stage, an adverse inference against the defendant for non-production of document as directed by it, provided the facts so warrant and the law permits so to do. However, it is made clear that as and when the defendant produces the document, the Court below shall take appropriate steps in the matter. Needless to state that since the suit is pending for a long time, the trial Court shall appropriately proceed in the matter keeping in

view the directions in this order, if necessary, by posting the suit day-do-day.

No costs.

Pending miscellaneous applications, if any, shall stand closed.

M.SEETHARAMA MURTI, J

26th October 2016

ajr

