

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION NO.1153 OF 2016

ORDER:

This revision under Article 227 of the Constitution of India is preferred against the order passed by the II Additional Junior Civil Judge, Visakhapatnam in I.A.No.272 of 2015 in O.S.No.366 of 2012 dated 20.01.2016.

The petitioner herein is the plaintiff in the suit, and the petitioner in the I.A. I.A.No.272 of 2015 was filed under Order VII Rule 14 of the Code of Civil Procedure to receive the voter ID card, and mark it as an exhibit. In the order under revision, the Court below noted that the voter ID card was issued after completion of P.W.1's evidence; as on the date of filing of the suit, there was no voter ID card issued to P.W.1; during her cross examination on 10.06.2013, the petitioner-plaintiff admitted that she did not have any documents i.e., voter ID card, Aadhar Card or ration card as on the date of filing of the suit; P.W.1 wanted to mark this document in the year 2014 i.e., two years after the suit was filed; this document is of no use to prove the possession of P.W.1 prior to its issuance i.e., as on the date of filing the suit; and the application was only to cover up the latches in the evidence.

While Sri G.Rama Gopal, learned counsel for the petitioner, may be technically correct in his submission that, at the stage of granting leave to receive the documents, the Court below ought not to have examined its relevance, the fact remains that this Court's jurisdiction, under Article 227 of the Constitution, can be invoked only if the order suffers from a patent illegality or substantial injustice has been caused to the petitioner. The voter ID card, that too obtained two years after filing of the suit, would, as the Court below has rightly held, not prove possession of the petitioner as on the date of filing of the suit. Even before this Court, Sri G.Rama Gopal, learned counsel for the petitioner, would merely contend that the Court below had committed a jurisdictional error in examining the relevance of the documents at the

stage of considering whether leave should be granted to receive such documents. Learned counsel has not been able to point out how failure, to receive this document and mark it as an exhibit, had caused prejudice to the petitioner, much less substantial injustice to them. I see no reason, therefore, to exercise jurisdiction under Article 227 of the Constitution of India to interfere with the order passed by the Court below.

_____ The Civil Revision Petition fails and is, accordingly, dismissed. There shall be no orders as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, J)

4th March 2016

RRB