

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION Nos.5769, 5813 & 5816 of 2016

COMMON ORDER:

These Civil Revision Petitions are filed against the orders, dated 28.10.2016, in I.A.Nos.382 of 2016, 381 of 2016 and 380 of 2016 in A.T.C.No.1 of 2013, passed by the learned Special Officer under A.P. Tenancy Act-cum-Junior Civil Judge, Anaparthi, wherein the Court below has dismissed the applications filed by the revision petitioner for receiving the document i.e., passbook issued to the petitioner as cultivating tenant under No.04A/578217, dated 09.07.2016, and also for reopening the case and recalling the evidence of the petitioner.

The case of the petitioner is that he filed A.T.C.No.1 of 2013 being a cultivating tenant. I.A.No.382 of 2016 is filed under Order 7 Rule 14 and Section 151 C.P.C. to receive the document i.e., passbook, issued to the petitioner as cultivating tenant under No.04A/578217, dated 09.07.2016. I.A.No.381 of 2016 is filed under Order 18 Rule 17 and Section 151 C.P.C. to recall the P.W.1 in order to mark the document, dated 09.07.2016. I.A.No.380 of 2016 is filed under Section 151 C.P.C. to reopen the evidence of P.W.1 in order to mark the document, dated 09.07.2016.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the document sought to be marked is only a certificate issued by the Revenue Inspector to prove that the petitioner is the cultivating tenant and no prejudice will be caused to anybody by marking the said document.

On the other hand, learned counsel for the respondents opposed the same, stating that the trial Court has rightly exercised its jurisdiction in dismissing the petitions.

Learned trial Judge dismissed all the said applications by observing as follows:

“The present petition was filed to receive the document in support of petitioner’s case. Respondent contended in the said document there was a condition that it shall not be used before Judicial Officer for court purpose. Perused the document. It was clearly mentioned in the back side of the document that it should not be used for court purpose. More over it was obtained 9-7-2016 and it is filed subsequent to the filing of this suit and also after completion of the evidence of both petitioner and respondent at the stage of arguments. Hence this is the subsequent document no way helpful to the petitioner. They cannot be considered at this stage.”

The observation made by the learned trial Judge that the said document cannot be used for Court purpose is true, but at the same time, mere receiving of the document and admitting the same before the Court will not create any legal right to the petitioner. The admission of the document and the admissibility of the document in prevalence are totally different in nature.

Considering the said facts and circumstances, the impugned orders, dated 28.10.2016, in I.A.Nos.382 of 2016, 381 of 2016 and 380 of 2016 in A.T.C.No.1 of 2013, on the file of the Court of Special Officer under A.P. Tenancy Act-cum-Junior Civil Judge, Anaparthi, are set aside and the trial Court is directed to reopen the evidence of P.W.1 and to recall P.W.1 and receive and mark the document i.e., passbook, issued to the petitioner as cultivating tenant under No.04A/578217, dated 09.07.2016, subject to any

objection raised by the respondents and the trial Court is also directed to decide the admissibility and beneficiary value of the said document while passing final orders.

Accordingly, all the Civil Revision Petitions are allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in all these Civil Revision Petitions shall stand closed.

RAJA ELANGO,J

Date: 28th December, 2016

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