

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.5213 of 2016

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.20-09-2016 in I.A.No.924 of 2016 in O.S.No.170 of 2010 of the IV Additional District Judge, Tanuku.

2. Petitioners herein are plaintiffs in the said suit. They filed the suit seeking damages for loss of reputation against respondents.

3. During the course of trial, after the evidence of D.W.1 was concluded, I.A.No.924 of 2016 was filed by respondents to recall D.W.1 to prove the defendants' contention with regard to certain documents filed by them which were marked in 'B' series, in particular, the judgment and decree dt.19-07-2016 in O.S.No.5 of 2010 of the IV Additional District Judge, Tanuku.

4. The petitioners objected to the same. The Court below, however, allowed the said application observing that the decree and judgment in O.S.No.5 of 2010 would be received only for the purpose of marking and if it is not otherwise irrelevant.

5. Challenging the same, this Revision is filed.

6. Learned counsel for petitioner Sri P.Suryanarayana Murthy contended that in the impugned order, the learned Judge himself has made an observation that the judgment and decree in O.S.No.5 of

2010 are not relevant for the purpose of deciding the suit and therefore he ought not to have allowed the I.A.

7. The impugned order indicates that having made the observation that the decree and judgment in O.S.No.5 of 2010 is not relevant for the purpose of deciding the present suit, the learned Judge had categorically observed that the said issue of relevance will be decided at the time of judgment by appreciating the evidence on record after giving opportunity to the defendants and it would not be considered if it is considered irrelevant.

8. I completely agree with the reasoning of the trial Court in as much as the relevancy of the document is a matter to be considered after appreciating the evidence on record and not in isolation and if the documents in question are not relevant, it would not place any reliance on them while adjudicating the matter.

9. Therefore, I do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court in exercise of its power under Article 227 of the Constitution of India.

10. Therefore, the Civil Revision Petition is dismissed at the stage of admission. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 28-10-2016

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