

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.1702 of 2016

ORDER:

This Civil Revision Petition is filed by the petitioners/defendants, under Article 227 of Constitution of India, assailing the Order dt. 12.02.2016 in I.A.No.1217 of 2015 in O.S.No.32 of 2009 on the file of Judge, Family Court-cum-Additional District Judge, Khammam, whereunder the trial Court dismissed their petition filed under Order VIII Rule 1-A (3) r/w 151 of CPC

The petitioners/defendants filed I.A.No.1217 of 2015 requesting the trial Court to permit them to introduce certain documents, as exhibits, on their behalf. Those documents are certified copies of the Plaint, Written Statements of D.1 and D.2 and Vakalats of defendants and the plaintiff and Counter in I.A.No.356 of 2011 in O.S.No.672 of 2011, and the respondent/plaintiff opposed the said petition. The Trial Court, after full fledged enquiry, passed the impugned Order Dt. 12.02.2016, observing mainly that the documents, which are sought to be introduced in the evidence, are only for the purpose of demonstrating the character and conduct of the plaintiff and in the backdrop of the fact that the petitioners/defendants have not strongly denied Ex.A.1—Suit Agreement, and also in view of the fact that the dispute of defendants is mainly in respect of 35/21 square yards, the

character and conduct of the plaintiff sought to be demonstrated through the proposed documents is of no relevancy for adjudication of the present suit. The trial Court was also of the opinion that the said suit was commenced long back and it was an oldest matter. On those observations, the trial Court dismissed the petition by its Order dt. 12.02.2016.

Hence, the instant Civil Revision Petition by the petitioners/defendants.

Heard both sides.

On perusal of the impugned order and upon hearing both sides, this Court is of the considered view that the Order impugned is impeccable in the sense that that the petitioners/defendants could not establish about the relevancy of the documents sought to be marked as exhibits on their behalf with the suit on hand. The only reason that was projected during the course of hearing is that the documents which are sought to be produced in the instant suit are intended to demonstrate the character and conduct of the respondent/plaintiff. This Court is unable to accept the contention of the petitioners/defendants, as the petitioners/defendants failed to establish the relevancy of the documents sought to be marked with the suit on hand. As rightly observed by the trial Court, it is a case of specific performance of the contract and in view of the nature of the plea taken by the defendants, it can be said that the

documents sought to be marked are no way relevant for the purpose of arriving at a just decision in the case on hand. It must be reiterated that without passing the relevancy test, no evidence either oral or documentary, can be permitted to be adduced by either party. In that view of the matter, this Court finds no merits in the Civil Revision Petition.

Accordingly, this Civil Revision Petition is dismissed with a direction to the trial Court to dispose of the suit in O.S.No.32 of 2009 within a period of four months from the date of receipt of a copy of this Order. No costs.

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

U.DURGA PRASAD RAO, J

Dt: 04.07.2016

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