

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.1000 of 2016

ORDER:

Heard learned counsel for the revision petitioner/1st respondent vis-à-vis learned counsel for the revision respondent No.1/petitioner and 2nd respondent/2nd respondent before the lower court in I.A.No.1470 of 2014 and perused the grounds of revision and the impugned order of the learned II Additional District Judge, Nalgonda District at Suryapet dated 26.12.2015 in allowing the application to receive the memo vide No.3271 of 2012 dated 11.09.2012, issued by the Tahsildar, Kodad to consider as part of additional evidence. It is on contest the memo was permitted to receive to adduce as additional evidence.

Receiving of a document is different from adducing evidence. Once it is opposed and no consent given for its marking, it is not automatic but for to prove by calling witness to exhibit. Once such is the case the revision petitioner got a right of cross-examination of the person who exhibits the document, in support of the contention of the document is not genuine in obtaining the endorsement despite documents mentioned in the memo are available, needless to say even to call for as a court witness the Tahsildar to bring the record if at all available.

Having regard to above, there is no need to sit against the impugned order when the trial Court exercised the discretion in receiving the same though not under Order 41 Rule 27 (1) (a) at least under order 41 rule 27 (1) (b) CPC.

With the above observation, this Civil Revision Petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

Date: 17.06.2016
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JUSTICE Dr. B.SIVA SANKARA RAO