

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.4599 OF 2016

O R D E R

This Civil Revision Petition is filed against the return endorsement dated 31.08.2016 passed in O.S.SR.No.1061/2016, on the file of Junior Civil Judge at Jagtial where in the Court below returned the suit by interpreting the suit document produced by the petitioner.

Learned counsel for the petitioner submits that even before the suit is numbered, the Office cannot go into the merits of the documents and interpret that the document produced by the petitioner. In support of his contentions he relied on judgment reported in ***Mohd.Osman Ali v. Second Junior Civil Judge, City Civil Court, Hyderabad and another¹***.

Though notice is served on the 1st respondent, none appears for the 1st respondent.

Heard the learned counsel for the 2nd respondent.

A perusal of the impugned endorsement goes to show that the document produced by petitioner is interpreted even before the suit is numbered. But it is for the Court to consider the same, the merits and demerits, after the suit is numbered. In the judgment reported in ***Mohd.Osman Ali v. Second Junior Civil Judge, City Civil Court, Hyderabad and another²*** it is held as follows:

¹ 2010 (4) ALD 273

² 2010 (4) ALD 273

“..When a party files a suit, in accordance with the procedure prescribed under the Code of Civil Procedure and Civil Rules of Practice, it is no part of the duty of the Court to examine, at the stage of scrutiny and registration of the suit, whether the plaintiff has adduced sufficient documentary evidence in support of his prayer in the suit. If the plaintiff fails to file proper material to substantiate his pleas, he will be doing so at his peril. But the Court cannot, at the scrutiny stage, insist on the plaintiff to file the documents, which, in its opinion, are relevant for granting relief.”

In view of the above, the impugned endorsement is set aside. However, this does not mean that this Court has expressed any opinion on merits, the Court below shall proceed further to decide the suit on merits, after numbering the same.

Accordingly, the Civil Revision Petition is allowed. No costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 28.11.2016

**Note: CC by two days
(B/o) dv**

