

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 3738 of 2014

DATED 3RD FEBRUARY, 2016

BETWEEN

Mummireddy Sidda Reddy

...Petitioner

And

Mummireddy Nagi Reddy and ors

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 3738 of 2014

ORDER:

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The petitioner herein is the plaintiff in O.S.No.100 of 2008 on the file of the learned Senior Civil Judge, Piler, Chittoor District. The said suit was filed for partition and separate possession of 1/4th share in the plaint schedule property. The issues in the suit were framed on 13.4.2010 and the suit is coming for trial. At this stage, the petitioner filed I.A.No.284 of 2014 for receiving the documents which are the registered sale deeds of the years 1948, 1951,1952,1964,1969,1972 and1972. No reason was assigned in the affidavit filed in support of the said interlocutory application and in those circumstances,

the trial Court dismissed the application through the impugned order dated 17.09.2014.

No doubt, the affidavit filed in support of the interlocutory application to receive the documents does not disclose any reason for belated filing of such application. Though the order of the lower Court cannot be found fault with on the ground of absence of due diligence, to give an opportunity to the petitioner/plaintiff to adduce documentary evidence, this Court is inclined to allow the said application on payment of costs of Rs.1,000/- to the learned Counsel for the defendant appearing before the lower Court within a period of fifteen days from the date of receipt of a copy of this order. This order is passed as trial in the suit has not commenced and no prejudice is caused to the defendant, more so, when the suit is for partition.

In the circumstances, the order under revision dated 17.9.2014 is set aside and I.A.No.284 of 2014 is allowed subject to payment of costs of Rs.1000/- to the learned counsel for the defendant appearing before the lower Court within fifteen days from the date of receipt of a copy of this order.

The Civil Revision Petition is allowed accordingly. Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

JUSTICE A.RAMALINGESWARA RAO

DATED 3rd February, 2016.

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