

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.5310 of 2016

ORDER:

The order under challenge is passed in an application filed under Order 7 Rule 14 (3) of CPC to condone the delay in filing the petition scheduled documents and to receive the documents in EO.P.No.4 of 2013. Earlier, this court had occasion to consider the prayers in C.R.P.Nos.2107 and 2644 of 2016. The operative portion of the order reads thus:-

“As rightly pointed out by Mr.Shafath Ahmed Khan that this Court, while considering the scope of legality of revisions, cannot and could not record a finding, which would ultimately prejudice the interest of the first respondent in the ongoing trial. This Court has taken a balanced view and also considered the rival submissions. To meet the ends of justice and to direct the trial Court to consider the entire material available on record and pronounce orders, in accordance with law, this Court is satisfied, the orders under revisions are set aside, the matters are remitted to the tribunal for consideration or every aspect of the matter and decide these applications, as are required by law. The decision of the trial court shall advert to the submissions of both parties and record findings. Learned trial Judge is forthwith directed to complete the trial and dispose of EOP No.4 of 2013, as expeditiously as possible, preferably within three (3) months from the date of receipt of a copy of this order.”

The trial court, after remand, particularly by keeping in view the directions issued by this Court, has passed the order impugned in the revision. The prayer of 1st respondent is accepted.

Counsel for petitioner contends that the documents now relied upon by the 1st respondent are not supported by pleading in the petition and the documents ought not to have been received by the trial court.

After perusing the order impugned in the revision, this court is of the view that the delay in filing the petition is rightly condoned and the documents are received. With the receipt of documents, the other objections available can always be raised at appropriate stage in E.O.P.No.4 of 2013.

By giving liberty to raise all objections available in law against these documents, the Civil Revision Petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 01-11-2016
Prv

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