

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.4887 of 2014

ORDER:

The suit O.S.No.15 of 2005 is filed for recovery of damages for the alleged illegal excavation and with consequential reliefs of injunction etc as the case may be. It is at the stage before pronouncing judgment, of the matter heard arguments from closure of evidence and reserved for judgment in January 2012, [as can be seen the matter reopened for not pronouncing judgment within 60 days for further clarification to sought if any and thereby pending virtually by any further hearing of arguments at best] the plaintiff filed the application in I.A.No.331 of 2014 covered by the impugned order for receiving the document he obtained under right to information Act regarding the seigniorage defendants paid to the Mines Department or collected from him by the Department as the case may be to exhibit by recall of PW.8, one of the employees of the Mines Department. In fact earlier PW.8 was recalled and concession was not availed by the plaintiff. There is only one application with more than one prayer, which is against the mandate of for each prayer there shall be a separate affidavit petition under Rule 55 of the Andhra Pradesh Civil Rules of Practice and Circular Orders, 1990 read with Sections 53 and 54. As the matter is reopened after reserved for judgment as referred supra, filing of application for reopening is academic for the lower Court can suo motu reopen by virtue of this order. Thus, the application should have been confined at best to grant one relief at least for receiving the document to exhibit. No doubt the document to exhibit sought is through PW.8, however earlier when PW.8's recall sought for was allowed that concession was not availed and thereby under that guise, there cannot be any further direction to file fresh application to recall PW.8. If the defendants/revision petitioners consent it could be marked as court document for reference of the contents of the document obtained under right to information Act as a public

document. The learned Counsel Sri Sallori Ramesh since conceded for marking as court document without prejudice to the right of submission of arguments on the contents of the document by both parties in the course of hearing arguments.

Accordingly and to that extent the impugned order is modified by allowing the revision.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 01.08.2016
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