

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.4497 OF 2016

DATED:23-09-2016

Between:

N. Issak
and others

... Petitioners

And

Grandhe Venkata Rama Naga Lakshmi
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mrs. B. Geethanjali,
for Dr. P.B. Vijaya Kumar

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.13.7.2016 in O.S. No.139 of 2015 whereby the learned Principal Senior Civil Judge, Gajuwaka, allowed the Memo filed by the respondents – plaintiffs for receiving and marking the documents as Exs.A.1 to A.6 along with the evidence affidavit, while adjourning the case to 18.7.2016 for cross-examination of P.W.1.

The learned counsel for the petitioners - defendants submitted that no application was filed by the respondents – plaintiffs under Order VII Rule 14 of the Code of Civil Procedure, 1908 for receiving the documents and that before accepting the Memo filed by the latter the lower Court has not given an opportunity of filing counter affidavit to the former.

The main grievance of the petitioners appear to be that the lower Court has marked Exs.A.1 to A.6, which were not filed along with the plaint, even without giving an opportunity to the petitioners to oppose receiving of the documents in evidence. In the light of this grievance, the lower Court is directed to treat Exs.A.1 to A.6 as having been marked subject to the objections relating to their admissibility and relevancy. The petitioners are entitled to raise those objections in the suit. In such an event, the lower Court shall consider the objections while deciding the suit.

Subject to the above directions, the civil revision petition is disposed of.

As a sequel to disposal of the civil revision petition, C.R.P.M.P. No.5839 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

23-09-2016

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