

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.4270 OF 2016

ORDER:

The plaintiff filed I.A.No.400 of 2016 in O.S.No.205 of 2013 praying to direct the defendant to file three documents mentioned therein and by the order impugned, the trial Court dismissed the petition.

2. The petitioner/plaintiff sought for production of the following documents.

- "1) Ledger book for 2011-2012
- 2) Ledger book for 2012-2013
- 3) The final settlement of accounts between Adepu Kumaraswamy and Sambari Ramanadham."

3. The claim for production of these documents was opposed by the defendant. The trial Court observed the following and rejected the claim:

"All the income tax returns were filed through Chartered Accountant. Further, the copies if at all as required by the petitioner can be availed by filing copy before the Income Tax Department. Further, the petitioner/plaintiff is required to prove the case of his own without depending on the weakness or defects of the defendant. When the copies can be availed by filing certified copy, but directing the respondent to produce accounts books or accounts which are his personal cannot be permitted."

4. As seen from the prayer and the averments made in the affidavit filed in support of I.A.No.400 of 2016, the stand of the plaintiff is entirely different from what was considered by the trial Court. The trial Court did not appreciate the prayers sought for by the plaintiff and the averments made in support of the petition.

No doubt, the averments made in the affidavit filed in support of the petition are not explaining the prayer in clear terms and the respondent/defendant opposing production of said documents as seen from the observations extracted above, what was considered by the trial Court was entirely different from the claim of plaintiff seeking to direct the defendant to produce the three documents, which, according to the plaintiff are in possession of the defendant and are relevant for the purpose of establishing his case.

5. Having regard to these inconsistencies, the petitioner as well as the respondent agree to remit the matter to the trial Court to consider I.A.No.400 of 2016 afresh.

6. In view of the said submissions, the order under challenge is set aside and the matter is remitted to the I Additional District Judge, Warangal, for consideration of I.A.No.400 of 2016 afresh, after affording due opportunity to both the parties.

7. Accordingly, the Civil Revision Petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Civil Revision Petition shall stand closed.

P. NAVEEN RAO, J

Date:15.09.2016

Note:- Issue C.C. in one week.

(B/o)
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