

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.6143 of 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is preferred by the petitioner being aggrieved by the docket order dated 21.11.2016 passed in O.S.No.280 of 2007, whereby the Principal Junior Civil Judge, Punganur, Chittoor District, accepted marking of e-pass book subject to result of W.P.No.25536 of 2016 pending on the file of this Court.

Heard the learned counsel for the petitioner. Since this Court is not passing orders, which cause prejudice to the respondents, there is no necessity to put the respondents to notice.

Relevant facts, in brief, are as follows:

Initially, one V.Narayana, who is the late father of the revision petitioner, filed O.S.No.280 of 2007 on the file of Principal Junior Civil Judge, Punganur, Chittoor District, seeking grant of permanent injunction against the respondents-defendants. After the death of said Narayana, plaintiff Nos.2 to 6, who are his legal representatives, were added as party plaintiffs. Revision petitioner is plaintiff No.3. When the matter was posted for cross examination of DW.1, learned counsel for the plaintiffs placed on record an interim order passed by this Court in W.P.No.25536 of 2016, raising objection for marking of e-pass book issued in favour of 5th respondent. After hearing both sides, the Court below permitted the defendants to mark e-pass book subject to result of W.P.No.25536 of 2016 and posted the matter for marking and

cross examination. Aggrieved over the same, present revision is filed by plaintiff No.3.

Learned counsel for the revision petitioner mainly contends that in view of the interim orders passed by this Court in W.P.No.25536 of 2016, the trial Court erred in taking steps for marking of e-pass book. He further submits that the revision petitioner filed the above writ petition wherein this Court suspended the operation of the e-pass book issued in favour of the defendants. He further submits that when an interim order is passed by this Court against the defendants, the only remedy available to the respondents-defendants is to get it vacated.

It is to be noted that the order passed by this Court in W.P.No.25536 of 2016 is only an interim order and the main writ petition is still pending adjudication before this Court. As seen from the impugned order, the trial Court has clearly observed that mere marking of a document will not substantiate or establish its genuinity or otherwise. The issue as to genuineness, relevancy and reliability of the said document can always be gone into at the time of hearing the main suit. It has been specifically observed by the Court below that e-pass book can be marked subject to final result of the writ petition.

Having regard to the above, this Court is of the view that the trial Court shall mark the document, but however consider the genuineness, relevancy, reliability or otherwise of the said document at the time of hearing of the suit, in accordance with law.

Accordingly, the Civil Revision Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

23.12.2016
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