

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.1433 of 2016

ORDER:

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This Civil Revision Petition is filed against the order dated 22-01-2016 passed in I.A.No.1108 of 2015 in E.OP.NO.1 of 2014, wherein the Court below allowed the application filed by the petitioner filed under Order 16 Rule 1 and Section 151 C.P.C. for production of documents mentioned therein, so also votes polled ballot papers of for Sarpanch elections of Grama Panchayat, Gadivemula village.

Learned counsel for the petitioner submits that though the respondents have not filed any application but still the relief is granted by the Court below beyond the prayer made by the petitioner in their application for production of documents, which is impermissible. He also contends that in the application filed by the petitioner, the 1st respondent cannot seek relief.

Heard learned counsel for the 1st respondent, who submits that powers under Section 151 C.P.C are wide enough to grant any relief in the interest of justice.

In this case, it is to be seen that the prayer in I.A.No.1108 of 2015 is for production of some documents and the 1st respondent has stated no objection to allow the application filed by the petitioner, on the condition that votes polled ballot papers are also called for. The Court below not only allowed the application for production of documents mentioned in the petition, but also called for the votes polled ballot papers, though it is not the prayer of the petitioner. If the 1st respondent wants production of votes polled ballot paper, he should have made an independent application making out a case in support of the same. But he cannot seek such a relief in the petition filed by the petitioner.

In view of the same, the impugned order is set aside to the extent of production of votes polled ballot papers.

Accordingly, the Civil Revision Petition is allowed to the extent indicated above. However, it is open for the 1st respondent to make

independent application, if he wants votes polled ballot papers to be produced.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAJASHEKER REDDY,J

25-04-2016
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