

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

-

CIVIL REVISION PETITION No.2250 OF 2016

ORDER:

This revision, under Article 227 of the Constitution of India, is filed challenging the Order dated 29.03.2016 passed by the II Senior Civil Judge, City Civil Court, Hyderabad, in I.A. No.77 of 2016 in O.S. No.1400 of 2013 filed under Rule 12 of Order XI read with Section 151 of the Code of Civil Procedure, 1908 ('the Code' in short) contending that the original rent deed is in the possession of the respondent and requested to produce the document for marking and to proceed with the trial.

02. Rule 12 of Order XI of the Code deals with discovery of documents - any party may, without filing any affidavit, apply to the Court for an order directing any other party to any suit to make discovery on oath of the documents which are or have been in his possession or power, relating to any matter in question therein, and the court may pass appropriate order.

03. The only contention before this Court is that the document is in the custody of the respondent and she has to produce the same before the Court, to proceed with the matter by marking document. Rule 12 of Order XI of the Code has no application, and if really, the petitioner wanted to compel the respondent to produce the document, a petition is required to file under Rule 14 of Order XI of the Code or atleast follow the procedure under Rule 8 of Order XII of the Code, serving notice in Form No.12 in Appendix-C of the Code, to cause production of document which are allegedly in possession of the respondent. Instead of resorting to such procedure under Rule 14 of Order XI or under Rule 8 of Order XII of the Code, the petitioner filed the present application under Rule 12 of Order XI of the Code for production of documents. The trial court dismissed the petition on the ground that there was no rental agreement as

alleged by the petitioner and it is with the petitioner himself. Though the order is not well reasoned, but still the procedure prescribed under the Code is to be followed by the petitioner by filing a petition under Rule 14 of Order XI of the Code or by serving notice in Form No.12 in Appendix - C of the Code read with Rule 8 of Order XII of the Code.

04. Hence, I find no illegality in the Order. However, liberty is given to the petitioner to file a fresh application either under Rule 14 of Order XI of the Code or serve notice in Form No.12 in Appendix C read with Rule 8 of Order XII of the Code, if advised.

05. With the above observation, the revision is dismissed. No costs.

06. Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 04.08.2016

BV