

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.2531 of 2017

ORDER:

The petitioner has come up with the above revision challenging an order passed by the trial Court allowing an application under Order XVIII Rule 17 of the Code of Civil Procedure for recalling DW.1 and for filing a document.

2. Heard Mr. V.V. Prabhakara Rao, learned counsel for the petitioner.

3. The petitioner is the plaintiff in a suit. The suit is for partition. The document sought to be marked is an alleged document executed by the father of the parties.

4. The objection raised by the petitioner is that after the conclusion of the trial, one defendant came up with a similar application for marking the very same document and that after that application was allowed and that defendant failed to mark, another defendant has come up with the present application.

5. But merely because of the failure of the one defendant to produce the document after having secured an order in his favour, the right of another defendant to produce the document executed by the father cannot be defeated. Hence, the trial Court was right in allowing the application.

Therefore, the Civil Revision Petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 22-09-2017

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