

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CIVIL REVISION PETITION No. 1345 of 2013

ORDER:

This Civil Revision Petition is filed aggrieved by the Order dated 04.02.2013 passed in IA No.1593 of 2012 in OS No.532 of 2008 on the file of III Senior Civil Judge, City Civil Court, Secunderabad, wherein learned Senior Civil Judge allowed the application filed under O-XI R-14 read with 151 CPC, directing the Petitioner/ Defendant to produce certain documents, which are said to have been requested by the Plaintiff/ Respondent in the Notice dated 17.08.2012.

2. Heard Ms.T.Shalini Shravani, learned counsel appearing for the Petitioner. The matter was adjourned several times viz., on 06.10.2017, 13.10.2017 and on 20.10.2017 to enable the learned counsel for the Respondent to argue the matter. Hence, the matter is disposed of, as even today, the learned counsel did not make appearance to argue the matter.

3. The brief facts of the case are that the Revision Petitioner herein is the Defendant and the Respondent herein is the Plaintiff in OS No.532 of 2008. The Respondent/ Plaintiff has filed the above suit against the Petitioner for recovery of possession, eviction, arrears of rent and future mesne profits. While the matter stood thus, in the above suit, the respondent/ Plaintiff had filed an application in IA No.1593 of 2012 seeking to produce certain documents alleging that the same are relevant to dispose of the suit. The court below has passed the impugned Order directing the Revision Petitioner to produce the documents as mentioned in the Notice dated 17.08.2012. Aggrieved by the same, the present revision is filed.

4. The learned counsel for the Revision Petitioner has entered appearance and submitted arguments stating that the documents as sought for have no relevance to the lis in the suit and many of the documents are not within the possession of the Petitioner and that the court below erred in directing the

Petitioner to produce the documents as stated in the notice without assigning any reasons thereof and that the impugned Order is liable to be set aside.

5. Perused the documents produced on record.

6. The grievance of the Revision Petitioner is that he had vacated the suit schedule property on 11.11.2012 and thereafter, the Respondent has sold away the same and that now the suit is pending only with regard to payment of arrears of rent. In such circumstances, no purpose would be survived if the said documents mentioned in the Notice dated 17.8.2012 are called for.

7. In the result, the Civil Revision Petition is allowed and the Order dated 04.02.2013 passed in IA No.1593 of 2012 in OS No.532 of 2008 on the file of III Senior Civil Judge, City Civil Court, Secunderabad, is hereby set aside. However, the court below is directed to dispose of the suit as expeditiously as possible preferably within a period of six (6) months from the date or receipt of the Order. No costs. Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand dismissed.

27th October, 2017
MjI

ABHINAND KUMAR SHAVILI, J

