

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

Civil Revision Petition Nos.3779 and 4135 of 2017

COMMON ORDER :

Heard the learned counsel for the petitioner/1st defendant of O.S.No.2 of 2015 on the file of the Junior Civil Judge, Nidmanoor and also the learned counsel for the respondent/plaintiff and perused the grounds urged in the Revision and also the impugned docket dismissal order of the lower Court in I.A.No.362 of 2017,dt.25.07.2017 to receive documents for non diligence.

In fact, it is not even a case of documents placed are tampered but same are in fact certified copies of public documents. Having regard to the above, the dismissal order of the trial Court impugned herein is unsustainable, and the petition is now allowed subject to costs of Rs.1000/- to the learned counsel for the plaintiff before the lower Court.

Coming to another revision petition vide CRP No.4135 of 2017 between the same parties as in CRP No.3779, impugning the docket dismissal order of even date in the petition I.A.No.349 of 2017 for recall of D.W.1-1st defendant consequent to dismissal of the I.A.No.362 of 2017.

Since the I.A.No.362 of 2017 for receiving documents is allowed on costs, the recall petition in I.A.No.349 of 2017 is also allowed directing the lower Court to fix an early date for completing further evidence. In case of non-compliance of costs, both the orders of the lower Court holds good.

Having regard to the above, both the Civil Revision Petitions are allowed. Consequently, pending miscellaneous petitions in both the Civil Revision Petitions shall stand closed.

Date:24.08.2017
vvr

Dr. B.SIVA SANKARA RAO J,

