

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 2633 of 2017

ORDER:

This Civil Revision Petition is filed against the order, dated 12.04.2017 passed by the VII Additional District Judge, Gudur dismissing I.A.No.42 of 2014 in C.M.A.No.8 of 2014 filed by the petitioner / appellant under Order XLI Rule 27(1)(aa) & (b) read with Section 94(e) and 151 of the Code of Civil Procedure (for short, 'C.P.C.'), to receive additional documents.

The petitioner herein is the plaintiff, who filed O.S.No.235 of 2011 before the Senior Civil Judge's Court at Gudur for the relief of declaration of title and recovery of possession. Along with the suit, the petitioner also filed an Application seeking injunction, which came to be dismissed. Challenging the same, the petitioner filed C.M.A. No.8 of 2014 and the same is pending. While so, the petitioner, having realized that certain documents, which are crucial for establishing his right and possession over the subject property, are required to be brought on record, filed I.A.No.42 of 2014 seeking to receive additional documents. The respondents herein filed their counter opposing the said Application. They stated that the petitioner failed to satisfy the conditions enumerated under Order XLI Rule 27 of the Code.

Having considered the material on record and the respective submissions, the learned Judge, through the order under Revision, elaborately discussed the scope of Order XLI Rule 27 CPC and came to the *prima facie* conclusion that the petitioner had failed to satisfy the conditions under Order XLI Rule 27 CPC. Hence, this Revision.

After arguing the case for some time, both the learned counsel agree that inasmuch as the Appeal is against the order passed by the trial Court granting injunction, liberty may be given to the petitioner to file the documents before the trial Court itself where the suit is pending. They request that as the suit is of the year 2011, a direction may be given to the trial Court to complete the trial at the earliest.

Taking into consideration the respective submissions of the learned counsel, liberty is given to the petitioner to approach the trial Court and file an Application invoking Order VII Rule 14 C.P.C., to receive the documents. On filing such Application, the same shall be considered on merits. As the suit is pending since 2011, the trial Court is directed to complete the trial and bring the case to its logical end, on merits, within a period of nine months from the date of receipt of a copy of this order.

The Civil Revision Petition is accordingly disposed of. No costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

Dt:23.06.2017

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