

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.4914 of 2015

ORDER :

Heard both sides.

2. Though the main contesting defendants are defendant Nos.4 and 9 in opposing the petition filed by defendant Nos.1, 3 and 6 to 8 and plaintiff almost supporting the application I.A.No.592 of 2015 in O.S.No.475 of 2006 on the file of the XXIV Additional Chief Judge, City Civil Court, Hyderabad, to grant leave to receive the documents, that was ended in dismissal, which is the subject matter of the revision herein.

3. It is a suit for partition. At the time of receiving the documents, unless it is the contest that subsequent to the pleadings or after filing of the suit, those were fabricated and brought into existence the receiving of the document for non-appended with plaint or written statement pleadings, as the case may be, subsequent to that is with the leave of the Court from the wording of Order VII Rule 14 C.P.C. or Order VIII Rule 1A of amended C.P.C. The admissibility, relevancy and proof are the subject matters to be raised while marking and it is premature for this Court for receiving documents for the grounds referred supra and the dismissal order is not even of any grounds.

4. Having regard to the above, the dismissal order, dated 20.08.2015, is set aside permitting to receive the documents for recalling of DW.1 instead of giving life to file another petition by directing herein for DW.1's recall for exhibiting the documents to

mark subject to any objections on proof, relevancy and admissibility to decide ultimately, other than relating to stamp duty and registration.

5. With the above direction, the civil revision petition is allowed while remitting the matter by virtue of this order directing the trial Court for its exhibiting to proceed further with the matter early.

Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

6th November 2017.

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Dr. B. SIVA SANKARA RAO, J

