

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.5999 OF 2016

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dated 27.09.2016 in I.A.No.359 of 2016 in O.S.No.1302 of 2014 on the file of the Court of the II Senior Civil Judge, City Civil Court, Hyderabad.

2. Heard the learned counsel for the petitioner.

3. A perusal of the record reveals that the respondent herein filed O.S.No.1302 of 2014 on the file of the II Senior Civil Judge, City Civil Court, Hyderabad, against the petitioner claiming damages. Pending the suit, the respondent herein filed I.A.No.359 of 2016 under Order VII Rule 14(2) of C.P.C. to receive the C.D. by condoning the delay. Due to misplacement of the CD, he could not file the same at the time of filing the suit. The trial Court allowed the said petition. Hence, the revision.

4. The contention of the learned counsel for the petitioner is that the trial Court has not assigned reasons much less cogent and valid reasons for allowing of the petition.

5. The respondent has assigned reasons much less cogent and valid reasons for non-filing of the C.D. within the period of limitation. Taking into consideration the facts and circumstances of the case, the trial Court allowed the petition. Mere receiving of the document would not amount to proof of the document. The trial Court considered various aspects and allowed the petition. There is no illegality or irregularity in the order of the trial Court,

which warrants interference of this Court by exercising the jurisdiction under Article 227 of the Constitution of India.

6. Accordingly, the Civil Revision Petition is dismissed at the admission stage. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 23.02.2017
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