

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.4857 of 2016

ORDER :

Heard both sides and perused the impugned dismissal order of the lower Court of the documents petition of the defendants filed under Order VIII Rule 1-A CPC wrongly mentioned as Rule 2 C.P.C. and the grounds of the revision and other material on record.

2. The suit is filed in the year 2011. The written statement filed in June/July, 2011. Undisputedly but for one of the documents, the other municipal tax receipts etc., are relating to 2012 to 2014, which are subsequent to the filing of the written statement and the first document is a suit register extract obtained subsequently and even in the counter filed by the plaintiff in opposing the petition in I.A.No.471 of 2016 in relation to the municipal tax receipts as fabricated, it is a matter to be decided, the conclusion of the Court that there is a belated filing without any reason not filed with the written statement, thereby unsustainable and the dismissal order is liable to be set aside by allowing the documents petition with costs.

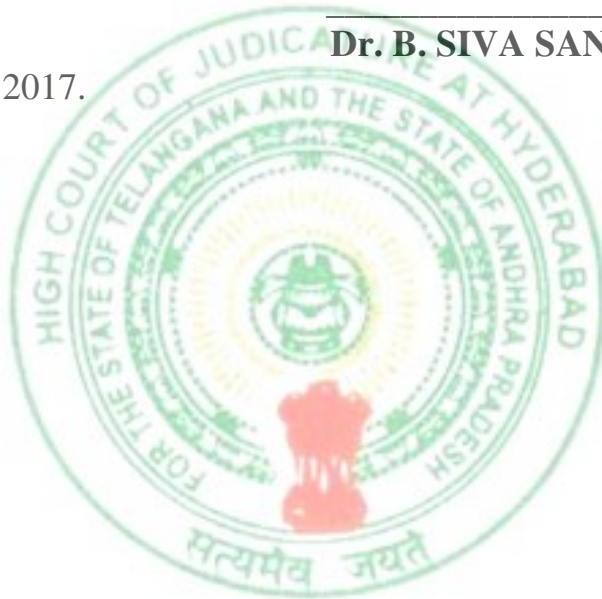
3. Accordingly, the civil revision petition is allowed subject to costs of Rs.1,000/- (Rupees one thousand only) payable by the petitioners/defendants to the plaintiff before the lower Court within one week from the date of receipt of a copy of this order. Failing which, the order of the lower Court holds good. In the event of payment of the costs, the lower Court shall receive the documents and

any objection regarding the proof, relevancy and admissibility of the documents is left open to raise by the plaintiff while marking for the Court to ultimately decide as laid down by the Apex Court in **Bipin Shantilal Panchal v. State of Gujarat and another**¹. The lower Court shall also make every endeavour for early disposal of the suit.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

8th December 2017.

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Dr. B. SIVA SANKARA RAO, J

¹ AIR 2001 SC 1158