

THE HON'BLE SRI JUSTICE M. S. K. JAISWAL

C.R.P.No. 942 of 2010

ORDER:

The civil revision petition is filed against the order passed in I.A.No.14 of 2010 in O.S.908 of 2006 on the file of the Principal Junior Civil Judge, Chittoor, dated 16.02.2010, by and under which, the learned Junior Civil Judge has dismissed the I.A. to receive a copy of the FMB sketch from the office of the Tahsildar, Gudipala Mandal, on the ground that the sketch that is sought to be filed do not in any way improve the case of the petitioner/ plaintiff.

2. Heard the learned counsel for the petitioner and perused the material on record.

3. The suit was filed by the revision petitioner for injunction and in support of his case about the existence of a channel, the proposed document was sought to be filed. By the impugned order, the learned Junior Civil Judge has dismissed the application of the petitioner on the ground that necessary material is to be produced at the time of evidence.

4. The approach of the learned Junior Civil Judge in dismissing the petition to receive a copy of the revenue record in respect of the suit schedule property is erroneous and it ought to have been allowed and received the document, subject to proof and relevancy. At the time when the document is filed, its relevancy and genuineness cannot be gone into and only when the said document is sought to be taken in evidence as an exhibit, the

objections, if any, with regard to its genuineness and admissibility or otherwise can be considered. In that view of the matter, the impugned order cannot be sustained.

5. In view of the above, the civil revision petition is allowed, the impugned order is set aside and the document that is sought to be filed is directed to be received by the trial Court, subject to proof and relevancy.

6. Apart from that, the suit is of the year 2006 and is for injunction simplicitor. In that view of the matter, the learned Junior Civil Judge is directed to dispose of the suit expeditiously, preferably within a period of six months from the date of receipt a copy of this order.

7. The CRP is accordingly allowed. Consequently, pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

M. S. K. JAISWAL, J

Date: 07.06.2017

*Note: Issue copy in
three days. B/o. Kv.*

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