HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION No. 3724 of 2016

ORDER:

1) Aggrieved by the order, dated 08.02.2016, passed in I.A.No.56 of 2016 in O.S.No.92 of 2007 on the file of the Additional Senior Civil Judge, Madanapalle, wherein an application filed under Section 151 of C.P.C., to mark the entire income tax file, produced by the Income Tax Inspector relating to the assessment years 1993-94 and 1995-96 respectively, was partly allowed, the present Civil Revision Petition came to be filed.

2) The facts in issue are as under:

The plaintiff filed O.S.No.92 of 2007 to declare her right and title over the plaint schedule property and also to grant permanent injunction restraining the defendants and their men from interfering with the plaintiff's possession and enjoyment over the plaint schedule property. Pending the said suit, an application came to be filed seeking permission of the Court to summon the Income Tax Officer, Warangal to produce the income tax returns submitted by her along with the material papers, for the assessment years 1993-94 and 1995-96.

3) A counter came to be filed opposing the same.

4) After taking into consideration the rival submissions made, the trial Court allowed the application in part holding that the petitioner is entitled to mark the office file of the income tax returns for the relevant years only and that the petitioner is not entitled to mark the Photostat copy of the documents which are in the file. The said order is challenged by the petitioner.

5) A perusal of the material on record would show that though the request was to permit the petitioner to summon the Income Tax Officer, Ward-I, Madanapalle to produce the Income Tax Returns submitted by the petitioner along with all material papers for the assessment years 1993-94 and 1995-96, the order does not anywhere reflect summoning of the income tax officer along with the file. It only speaks of marking of office file of income tax returns for the relevant years. The respondents in I.A. did not challenge that portion of the order. It is to be noted that even as per the grounds of the revision, the contents of the secondary evidence, which are referred to in the plaint, relates to a dissolution deed. The said issue came up for consideration before the trial Court in I.A.No.907 of 2015, wherein the trial Court allowed the said I.A. for marking of the said dissolution deed,

but however the same was reversed by this Court in C.R.P.No.3810 of 2016 seeking review of the said vide C.R.P.M.P.No.7936 of 2016 was dismissed today by this Court. Since the impugned order with regard to the relief granted by the trial Court is not challenged by the respondent and as the marking of the documents was allowed to the extent relating to the original office file of the income tax returns for the relevant years, I see no grounds to interfere with the order.

6) Accordingly, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous Petitions pending if any in this C.R.P. shall stand closed.

JUSTICE C. PRAVEEN KUMAR

28.02.2017
gkv