

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[*Special Original Jurisdiction*]

MONDAY THE TWENTY SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND SEVENTEEN

PRESENT

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No. 2954 OF 2017

Between:

Kavvagudem Chandrasekhar Reddy ... Revision Petitioner
Third Party Petitioner

V/s.

Kavvagudem Lakshmamma Respondent/Plaintiff
@Chandrakala & Ors. ... Respondents/Defendants

Counsel for the Petitioners : Sri A. Keshava Reddy

Counsel for the Respondents : Sri Resu Mahender Reddy

The court made the following : [Order follows]

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO**CIVIL REVISION PETITION No. 2954 OF 2017****ORDER :**

Heard. Impugning the docket order of the learned X-II Additional District Judge, Vikharabad, Ranga Reddy district, dated 23/03/2017 passed in I.A.No. 442 of 2016 in OS.No. 175 of 2012, this Civil Revision Petition is filed.

2. The petitioner before the lower court covered by the docket orders supra in I.A.No. 442 of 2016 in OS.No. 175 of 2012 is a third party to the suit, OS.No. 175 of 2012 though one of the parties to the other connected suit, pending in the self same court. The suit, OS.No. 175 of 2012 is filed for the relief of partition and separate possession. The suit, OS.No. 119 of 2013 is filed for declaration of the plaintiff as owner of the plaint schedule property and for cancellation of gift deed/settlement deed and also for rectification of revenue records obtained pursuant to that document. The suit, OS.No. 119 of 2013 is pending for trial. The suit, OS.No. 175 of 2012, it appears disposed of.

The petitioners filed the petition for granting of certified copies of some documents in the disposed of suit, OS.No. 175 of 2012 for its filing in the suit, OS.No. 119 of 2013. That third party copy application instead to be granted was dismissed for the provisions quoted under section 212 of the A.P. Criminal Rules of Practice which is not applicable for not a criminal matter but for Rule 188 of the A.P. Civil Rules of Practice and Circular Orders.

Rule 188 of AP Civil Rules of Practice and Circular Orders, reads as follows :

Rule 188 [2] enables a person, who is not a party to the suit or proceeding requiring, copies of judgments, decrees or orders made or of any documents exhibited in suit or proceedings, may apply to the court for grant of such copies by duly stamped petition supported by an affidavit stating the purpose for which the copy is required.

Provided that, in cases of doubt whether, the copy applied for should be furnished, the application shall be placed before the Judge for his decision. If the application is refused by the Judge, it shall be returned to the applicant with the order of Judge endorsed on it.

3. It is only where from the proviso in case of doubt for the

Copying Superintendent of the Court to grant certified copies consigned to the record or pending with the Bench Clerk in a pending matter, as the case may be, to place before the Officer concerned for obtaining

orders. Even from the proviso it is not stated that for purpose of certified copies, the Judge has to probe into admissibility and scope of the lis. Thereby the dismissal order is set aside and the Civil Revision Petition is allowed by allowing the said I.A.No. 442 of 2016 in OS.No. 175 of 2012 by directing the trial court to grant certified copies if the copy application is other wise in order and on requirement of the requisite court fee stamps or the money payable for getting the copy application.

4. Accordingly, the Civil Revision Petition is allowed. No costs.

5. As a sequel, miscellaneous petitions if any, pending in this Civil

Revision Petition shall stands disposed of.

Dr. JUSTICE B. SIVA SANKARA RAO.

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO



CIVIL REVISION PETITION No. 2954 OF 2017
{ALLOWED}

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