

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

C.R.P.No.6028 of 2016

ORDER

This revision is filed challenging the order dated 16.11.2016 in G.R.No.857 of 2016 in O.S.No.43 of 2002 passed by the learned Junior Civil Judge, Tekkali, where-under the learned Judge allowed the memo by directing defendant to produce DWs.5 to 7 today itself or on next date of hearing, for cross-examination and marking of two documents through D.W.5, failing which, the evidence of D.Ws.5 to 7 would be noted as eschewed.

2. The contention of learned counsel for petitioners/plaintiffs is that without there being any application to receive the documents by way of additional evidence, the memo ought not to have been accepted by the Court below.

3. I have perused the order impugned. It is to be noted that whenever defendant produces D.W.5 in the witness box, D.W.5 has to produce those two documents which are to be marked as exhibits and therefore, there is no need to file an application by defendant to receive the documents by way of additional evidence. In view of the same, the order impugned does not suffer from any infirmity and there is no need to interfere with the same by this Court.

4. Accordingly, the Civil Revision Petition is dismissed. However, it is always open to petitioners/plaintiffs to raise objection with regard to admissibility of documents. No order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand dismissed.

19th January, 2017
sj

M.S.K.JAISWAL,J

