

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition Nos.513 and 603 of 2018

ORDER:

Both these revisions arise out of a docket order passed by the trial Court calling upon the 1st defendant to explain how an application under Order XIII Rule 3 of the Code of Civil Procedure was maintainable and thereafter recalling PW.1 and allowing 7 documents to be marked.

2. Heard Mr. M. Radhakrishna, learned counsel for the revision petitioner and Mr. C. Venkateswarlu, learned counsel for the respondents.

3. The 1st respondent herein filed a suit for partition in the year 2007. When the suit was taken up for trial, the plaintiff filed an application for filing 7 additional documents under Order VII Rule 14 (3) of CPC. When the defendants objected to the same, the Court passed an order that at the time of trial, the question of relevancy, admissibility and proof can be gone into.

4. Thereafter, the 1st defendant filed an application in I.A.No. of 2018 in G.L.No.201, dated 22-01-2018 under Order XIII Rule 3 CPC. The Court below returned the paper asking the petitioner to show as to how the petition was maintainable.

5. After returning his petition, the Court below ordered the recalling of PW.1 and allowed all the 7 documents to be marked.

6. Therefore, challenging the endorsement made on the application under Order XIII Rule 3 CPC and the order of the Court

below marking 7 documents as Exs.A.21 to A.27, the 1st defendant has come up with the above revisions.

7. I do not think that anything more need to be done in this case, than allowing the parties to argue the admissibility of one of the 7 documents, about which alone there is a controversy. Now that all the 7 documents have been allowed to be marked, nothing survives in C.R.P.No.603 of 2018, as the question of the petitioner representing the papers in the interlocutory application does not arise at this stage. Hence, C.R.P.No.603 of 2018 is closed.

8. Coming to C.R.P.No.513 of 2018, it is seen that 7 documents were marked. Out of them 5 are certified copies of registered sale deeds, one was Encumbrance Certificate and another Patta allegedly granted by the Zamindar. The objection of the 1st defendant/petitioner is only to the Patta and not to the other documents.

9. Therefore, C.R.P.No.513 of 2018 is disposed of directing the trial Court to consider all objections of the petitioner relating to the admissibility, proof and relevance of the patta marked as Ex.A.27, irrespective of the fact that it has already been marked as exhibit.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 02-02-2018

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