

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION Nos.1233 and 1246 OF 2018

COMMON ORDER:

These Civil Revision Petitions are filed under Article 227 of the Constitution of India assailing the orders dated 18.12.2017 passed in I.A.Nos.320 and 362 of 2017 in O.S.No.20 of 2010 on the file of the Court of the Senior Civil Judge at Narayanpet.

2. The point involved in both the revision petitions is one and the same. Hence, this Court is inclined to pass a common order in both the revision petitions.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. A perusal of the record reveals that the petitioners herein have filed O.S.No.20 of 2010 on the file of the Court of the Senior Civil Judge at Narayanpet, against the respondents for partition of the suit schedule property. Pending suit, the petitioners filed I.A.Nos.320 and 362 of 2017 to receive the documents. The trial Court dismissed both the petitions. Hence, the revision petitions.

5. Learned counsel for the petitioners submitted that the trial Court without considering the material available on record dismissed the petitions on erroneous grounds.

6. *Per contra*, learned counsel for the respondents submitted that the petitioners filed the present petitions with an ulterior motive to drag on the proceedings.

7. The first petitioner is the wife of one Rangappa. The said Rangappa is the brother of first respondent. Respondent Nos.2 to 4 are the sons and daughter of first respondent. It is the case of the petitioners that the suit schedule property belongs to late Ramanna. It is the case of the first respondent that the suit schedule property is his self acquired property.

8. Whether the suit schedule property is the self acquired property of first respondent or not will be decided during the course of trial. The petitioners filed above referred interlocutory applications to receive documents i.e., revenue record in order to establish that the suit schedule property originally belongs to late Ramanna, who is the father of first respondent and father-in-law of the first petitioner. The trial Court made an observation that the proposed documents do not pertain to the suit schedule property, which is factually incorrect. The trial Court has not assigned reasons much less cogent and valid reasons while dismissing the petitions. This Court carefully perused the material available on record in order to ascertain the relevancy of proposed documents. Even if the petitions are allowed, the same may not cause any prejudice to the respondents. The proposed documents will certainly throw some light on the controversy involved in the suit. In order to adjudicate the matter effectively, it is just and necessary to receive the documents. Mere delay in filing of the petitions that itself is not a valid ground to dismiss the petitions in a routine manner. If the petitions are dismissed, it may not be possible for the petitioners to establish whether the suit schedule property originally belongs to late Ramanna or not.

9. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that these are fit cases to allow both the revision petitions.

10. In the result, both the Civil Revision Petitions are allowed setting aside the orders dated 18.12.2017 passed in I.A.Nos.320 of 2017 and 362 of 2017 in O.S.No.20 of 2010 on the file of the Court of the Senior Civil Judge at Narayanpet. Consequently, I.A.Nos.320 and 362 of 2017 are allowed to receive the documents. There shall be no order as to costs.

11. Miscellaneous Petitions, if any, pending in both the Civil Revision Petitions shall stand closed.

Date: 21.06.2018
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T.SUNIL CHOWDARY, J

