

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.5348 of 2017

O R D E R :

This revision is filed against the order dated 01-09-2017 in I.A.No.110 of 2017 in O.S.No.8 of 2017, wherein the Court below allowed the application filed by respondents 1 to 3 filed under Section 65(c) of Indian Evidence Act (for short “the Act”) read with Section 151 to receive the documents filed along with the petition in I.A.No.334 of 2013 and mark the same.

Learned counsel for the petitioner submits that there is no factual foundation to the documents sought to be marked under Section 65 (c) of the Act. He also submits that the matter is posted for arguments and at belated stage, this application was filed and that the Court below without application of mind passed the impugned order.

On the other hand, learned counsel appearing for the respondents 1 to 3 submits that proof or otherwise of the said documents cannot be considered at this stage and relied on the judgment of Apex Court in **Rakesh Mohindra v. Anita Beri¹**.

In this case, it is to be seen that the Court below has not applied its mind and no reasons are given for allowing the petition except stating that no prejudice is caused to the opposite party.

¹ 2015 SAR (Civil) 1224

In view of the same, the impugned order is set aside. The Court below is directed to dispose of the I.A.No.110 of 2017 after hearing both sides in accordance with law. The said exercise shall be done within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the revision is allowed. As a sequel thereto, miscellaneous petitions, if any, pending in this revision, shall stand closed.

A.RAJASHEKER REDDY, J

02-02-2018
Nvl

