

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.72 OF 2017

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 18.11.2016 passed in I.A.No.1000 of 2016 in O.S.No.266 of 2015 on the file of the Court of the Principal Senior Civil Judge, Ranga Reddy District at L.B.Nagar.

2. Heard the learned counsel for both parties.

3. The facts leading to filing of the present revision are briefly as follows:

The petitioners filed I.A.No.1000 of 2016 to receive the documents. The respondent filed counter *inter alia* contending the petition is not maintainable either on facts or in law. The trial Court, after affording a reasonable opportunity to both parties, dismissed the petition. Hence, the revision.

4. The point that arises for consideration in this revision is:

“Whether there is any illegality, irregularity or impropriety in the impugned order?”

5. A perusal of the record reveals that the respondent filed O.S.No.266 of 2015 on the file of the Court of the Principal Senior Civil Judge, Ranga Reddy District at L.B.Nagar, against the petitioners for recovery of an amount of Rs.6,23,368/- with interest. After completion of the respondent's side evidence, the fourth petitioner filed his chief-examination affidavit. The petitioners filed I.A.No.1000 of 2016, under Order VIII Rule 1(A)(3)

read with Section 151 C.P.C., to receive the documents. For one reason or other, the petitioners could not file these documents along with the written statement. The very object of Order VIII Rule 1(A)(3) C.P.C. is to condone the delay in filing a petition to receive the documents subject to satisfaction of the Court. While deciding the petition to receive the documents, the Court ought not to have expressed any opinion with regard to the validity or otherwise of the same. The Court has to consider whether the dismissal of the petition to receive the documents would cause any prejudice to the petitioners or not. The trial Court, without considering all these aspects, dismissed the petition on the sole ground that the petitioners have not produced the documents along with the written statement. If the petition is dismissed, it may not be possible for the petitioners to substantiate their case. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

6. Having regard to the facts and circumstances of the case, it is a fit case to allow the revision.

7. In the result, the Civil Revision Petition is allowed setting aside the order dated 18.11.2016 passed in I.A.No.1000 of 2016 in O.S.No.266 of 2015. Consequently, I.A.No.1000 of 2016 in O.S.No.266 of 2015 on the file of the Court of the Principal Senior Civil Judge, Ranga Reddy District at L.B.Nagar, is allowed to receive the documents. However, receiving of the documents is subject to proof and relevancy. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 27.09.2018
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