

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.3475 of 2018

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the Order dt. 08.01.2018 in O.S.No.148 of 2014 passed by III Additional Junior Civil Judge, Kadapa, marking Original Sale Deed dt. 08.06.1981 and the second Encumbrance Certificate, which were inserted subsequent to filing of the suit without filing any petition and a judicial enquiry is pending before the Court, but the District Judge, Kadapa, issued Proceedings Dt. 22.06.2017 directing III Additional Junior Civil Judge, Kadapa, to proceed with the trial and in view of the same, the III Additional Junior Civil Judge, Kadapa, marked those documents since they are admissible in evidence.

The main contention of the learned counsel for the petitioner is that when the documents were brought on record without any application and when the judicial enquiry is pending, the documents cannot be marked.

No doubt, a judicial enquiry is pending for bringing on record those documents without filing appropriate application as per the procedure, but the Trial Court proceeded to mark those documents. Merely because of the pendency of judicial enquiry, the trial cannot be stayed and if for any reason, the Court proceeded to try matter without marking those documents, the

plaintiff will lose an opportunity to mark certain documents which are the basis for claim in the suit.

In view of the pendency of the judicial enquiry, marking of those documents is only for numerical purpose and if for any reason, the judicial enquiry is found against the plaintiff about the insertion of the documents without filing any appropriate application as per the procedure, the III Addl. Junior Civil Judge, Kadapa, is directed to ignore those two documents and evidence produced in proof of those documents at the end of trial.

With the above direction, this Civil Revision Petition is disposed of. III Additional Junior Civil Judge, Kapada, is directed to complete the Judicial Enquiry pending before him within a period of four weeks from the date of receipt of a copy of this Order.

As a sequel to it, miscellaneous petitions, if any pending in this appeal, shall stand closed.

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M. SATYANARAYANA MURTHY, J

Date: 06.07.2018

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