

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P.No.3924 of 2011

ORDER

This revision under Article 227 of the Constitution of India is filed challenging the order returning the copy application No.10166 in O.S.No.110 of 2008 by the I Additional District Judge, Visakhapatnam, dated 20.07.2011, which reads as under:

“As per Rule 189 of Civil Rules of Practice, the defendant is not entitled to docket order. Hence, returned”.

2. The main contention of the counsel for petitioner is that under Rule 188 of Civil Rules of Practice, the petitioner is entitled to claim the certified copy of the order by applying for issuance of certified copy in accordance with the rules, and more curiously, the counsel for respondents reported no-objection for obtaining the certified copy.

3. In view of the no-objection reported by the counsel for respondents and as the copy application is in accordance with the rules since the petitioner claimed the plaint and other docket proceedings of the plaint, it is permissible under law to issue the certified copy and if it is an independent from the plaint, it cannot be given.

4. Therefore, the Civil Revision Petition is allowed, setting aside the order impugned and the trial Court is directed to issue certified copy of the plaint and docket proceedings to the petitioner, within one week from today. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SATYANARAYANA MURTHY, J

12th March, 2018

Note:

Issue CC tomorrow

sj