

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.1068 OF 2017

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, challenging the order in I.A.No.261 of 2016 in R.C.No.90 of 2015 dated 06.02.2017 passed by the III Additional Rent Controller, City Small Causes Court at Hyderabad, dismissing an application filed to mark the notarized Xerox copy of Pharmacy Certificate dated 14.11.2014 of Mehraj Fatima, as it is inadmissible in evidence.

As seen from the order under challenge, when the document was tendered for marking i.e. Xerox copy of Pharmacy Certificate of Mehraj Fatima, the petitioner raised an objection about admissibility of the document in evidence and the objection was overruled by the Court below and marked the same as Ex.P-9 before the Rent Controller. The order passed by the Rent Controller attained finality and now the present petition is filed under Order XIII Rule 3 C.P.C, to reject the document which is already marked on the same ground that the document is a Photostat copy which is not admissible in evidence.

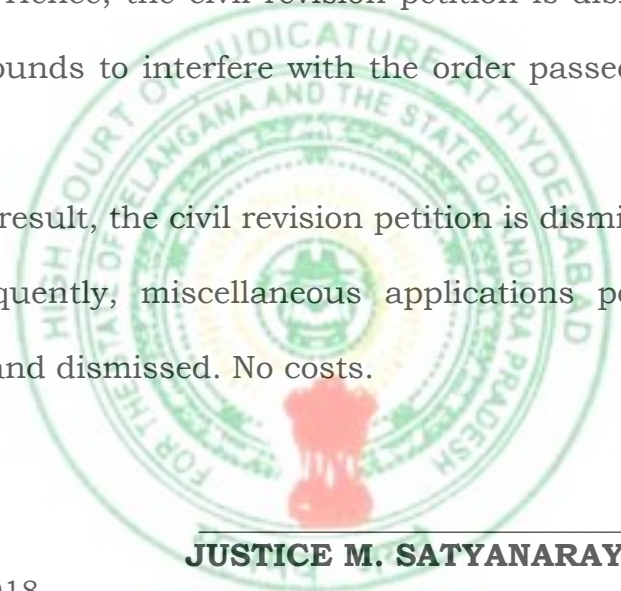
When a document is marked as exhibit, without overruling the objection, the petitioner is not entitled to raise same objection by filing another application. When no revision is filed against earlier order at the time of marking certificate as Ex.P-9, without overruling the objection raised by this petitioner, therefore, by invoking Order XIII Rule 3 C.P.C the document cannot be rejected.

Order XIII Rule 3 C.P.C permits the court to reject any document which is irrelevant or inadmissible at any stage.

The only ground for challenge of this order is that the document is inadmissible. This objection was already considered and overruled at the time of marking Ex.P-9, against which no revision is filed. Raising same objection by filing a petition under Order XIII Rule 3 C.P.C, is nothing but circumventing the provisions of law to achieve the object in protracting the proceedings for some more time and this petition is hit by Section 11 of C.P.C. Hence, the civil revision petition is dismissed, having found no grounds to interfere with the order passed by the Court below.

In the result, the civil revision petition is dismissed.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.



JUSTICE M. SATYANARAYANA MURTHY

Date:16.02.2018

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