

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.4117 of 2018

ORDER:

This Civil Revision Petition is filed against the order, dated 02.07.2018, passed by the learned Junior Civil Judge, Nandikotkur, allowing I.A.No.164 of 2018 in O.S.No.143 of 2011, filed by the respondent-defendant seeking to receive Adangal pahanies and original unregistered sale deed, dated 16.05.1991.

Learned counsel for the petitioner contends that the Court below had not stated any reasons as required under Order VIII Rule 1A CPC for receiving the documents and further, the respondent-defendant failed to explain in the affidavit as to why those documents could not be filed at the earliest along with the written statement. In those circumstances, he prays for allowing the Civil Revision Petition by setting aside the order under revision.

On a perusal of the affidavit filed by the respondent-defendant in support of the I.A., it is evident that he is an illiterate and belongs to an agricultural family. Normally, the affidavits are drafted by the Advocates and it is their responsibility to ensure that the details of necessary documents are specified therein. In the present case, merely because the Advocate had failed to do so and produce the documents at the earliest point of time, that by itself, does not disentitle the respondent from filing the application for receiving the documents. The Court below being

conscious of this aspect, though not stated the reasons more elaborately, had taken into consideration the fact that the said documents were obtained from the revenue authorities recently, and allowed the I.A. on payment of costs of Rs.1,000/- to ensure that justice is being done in the matter. The same being a balancing order, it does not require any interference by this Court. However, with respect to the objection of the petitioner that the unregistered document has been received, it is open for him to raise such objection when the same is sought to be marked as an exhibit, which shall be considered by the Court below in accordance with law.

Subject to the above observation, the Civil Revision Petition is dismissed.

Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:24.10.2018

kdl