

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION Nos.4626 and 5278 of 2018

COMMON ORDER:

These civil revision petitions, at the behest of defendants 1 and 3 in O.S.No.404 of 2005 on the file of the learned I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, arise out of the orders passed in I.A.Nos.976 and 977 of 2015 filed by them in the said suit. I.A.No.976 of 2015 was dismissed by order dated 14.02.2018 and I.A.No.977 of 2015 was closed as not necessary, by order dated 09.04.2018. C.R.P.No.4626 of 2018 arises out of the dismissal of I.A.No.976 of 2015 in O.S.No.404 of 2005 while C.R.P.No.5278 of 2018 pertains to the closure of I.A.No.977 of 2015 in O.S.No.404 of 2005.

The prayer of the petitioners-defendants 1 and 3 in I.A.No.976 of 2015 was to cause an enquiry with regard to their allegation that the Court record had been tampered with, by referring the matter to the appropriate criminal court for prosecution of the persons responsible therefor, if necessary. I.A.No.977 of 2015 was filed by them under Order 14 Rule 2 CPC to frame a preliminary issue on the following points:

- '1) Whether the plaintiffs who tampered with the Court record are entitled to proceed with the suit and are liable to be prosecuted?
- 2) Whether the tampering of the Court records would amount to approaching the Court with unclean hands?

Having heard Sri N.Subba Rao, learned counsel for the petitioners-defendants 1 and 3, and Sri V.Ramesh Reddy, learned counsel for respondents 1 to 5-plaintiffs, this Court called for the original record pertaining to O.S.No.404 of 2005 on the file of the learned I Additional Senior Civil Judge, Ranga Reddy District, by order dated 07.09.2018.

Perusal thereof reflects that there is reason enough to, at least, infer that there may be cause for the petitioners-defendants 1 and 3 to allege that there may have been tampering with the Court record. However, without a proper and comprehensive enquiry, it would be premature to come to a decision on this aspect. Unfortunately, the trial Court seems to have lost sight of some of the documents available in the original file while coming to the conclusion that there was no force in the contention of the petitioners-defendants 1 and 3 that there was some tampering.

In that view of the matter, both the orders under revision are set aside and the civil revision petitions are disposed of directing the learned Principal District Judge, Ranga Reddy District, to cause an enquiry through the Vigilance Judge in Ranga Reddy District as to whether there was any tampering of the Court record in O.S.No.404 of 2005 on the file of the learned I Additional Senior Civil Judge, Ranga Reddy District. Depending on the result thereof, I.A.No.977 of 2015 in O.S.No.404 of 2005 shall be considered afresh.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

30th November, 2018

Note:-

Registry is directed to forthwith send the original record in O.S.No.404 of 2005 to the learned Principal District Judge, Ranga Reddy District at L.B.Nagar.

(B/o)

IBL