

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.6707 of 2018

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.11-10-2018 in I.A.No.1090 of 2017 in I.A.No.581 of 2017 in O.S.No.82 of 2017 of the Principal Junior Civil Judge, Amalapuram.

2. Petitioner herein is plaintiff in the suit. The said suit was filed for permanent injunction restraining the respondents from interfering with his peaceful possession and enjoyment of the plaint schedule property.

3. Along with the suit, the petitioner filed I.A.No.581 of 2017 for temporary injunction pending suit.

4. Counter was filed in the said I.A. by respondents.

5. Thereafter respondents filed I.A.No.1090 of 2017 to receive some documents in the said I.A.

6. Counter was filed opposing the said application by the petitioner taking the plea that the documents sought to be marked are not relevant for deciding the temporary injunction application.

7. By order dt.11-10-2018, the Court below condoned the delay in filing the documents pointing out that no prejudice would be caused to the petitioner even if the petition is allowed as he would have

opportunity to raise objections with regard to proof, relevancy and admissibility when documents are tendered for marking.

8. Assailing the same, this Revision is filed.

9. Though learned counsel for petitioner sought to contend that the Court below ought not to have allowed the said application, it is important to note that this application I.A.No.1090 of 2017 is filed to mark documents in I.A.No.581 of 2017. Though Order VII Rule 14(3) C.P.C. is wrongly quoted by the respondents, the said provision of law has no application insofar as marking of documents in I.A. is concerned.

10. I agree with the Court below that there is no prejudice caused to the petitioner even if the application is allowed as he would have the opportunity to raise objection with regard to proof, relevancy and admissibility when documents are tendered for marking. I see no reason to interfere with the order passed by the Court in exercise of the jurisdiction under Article 227 of the Constitution of India.

11. Accordingly, this Revision fails and is dismissed at the stage of admission. No costs.

12. Consequently, miscellaneous petitions pending, if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

Date : 30-11-2018
Vsv