

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CIVIL REVISION PETITION No.6218 OF 2017**

**ORDER:**

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 07.10.2017 passed in I.A.No.616 of 2017 in O.S.No.112 of 2011 on the file of IV Additional District Court, Tirupati.

2. Heard the learned counsel for both parties.

3. The point that arises for consideration is:

*“Whether there is any illegality, irregularity or impropriety in the impugned order?”*

4. A perusal of the record reveals that the petitioners filed O.S.No.112 of 2011 on the file of IV Additional District Court, Tirupati, against the respondents seeking for declaration and consequential perpetual injunction. When the matter is coming up for respondents/defendant's side evidence, the petitioners filed I.A.No.616 of 2017 to receive the documents. The respondents filed counter *inter alia* contending that the proposed documents are no way concerned with the subject matter of the suit. The trial Court, after affording a reasonable opportunity to both parties, dismissed the petition. The trial Court passed a common order in I.A.Nos.614, 615 and 616 of 2017. The trial Court has not given any specific finding with regard to receiving of the documents. The trial Court dismissed the petition on some other grounds. As rightly pointed out by the learned counsel for the respondents, the petitioners have not filed the documents before commencement of trial.

5. Learned counsel for the petitioners submitted that some of the documents are subsequent to filing of the suit. He further submitted that in order to resolve the *lis* involved in the suit, the petitioners are placing reliance on the revenue records.

6. While deciding the interlocutory applications, the Court has to consider the prejudice likely to be caused to the parties to the proceedings. If the petition is dismissed, it may not be possible for the petitioners to ventilate their legitimate and legal grievances. Even if the petition is allowed, the same may not cause any prejudice to the rights of the respondents. Ultimately the Court has to consider whether the documents in question are relevant or not. At the stage of receiving of the documents, the Court has to consider the reasons for non-filing of the documents before commencement of trial. As observed earlier, the petitioners could not obtain the revenue records before commencement of trial. If the order of the trial Court is allowed to stand, certainly it would amount to miscarriage of justice.

7. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that it is a fit case to set aside the impugned order.

8. In the result, the Civil Revision Petition is allowed, setting aside the order dated 07.10.2017 passed in I.A.No.616 of 2017 in O.S.No.112 of 2011 on the file of IV Additional District Court, Tirupati. Consequently, I.A.No.616 of 2017 is allowed receiving the documents, subject to proof and relevancy. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

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**T.SUNIL CHOWDARY, J**

Date: 24.12.2018  
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