

THE HON'BLE JUSTICE SRI T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.5723 of 2017

ORDER:

1 This Civil Revision Petition is filed under Article 227 of the Constitution of India, assailing the order dated 02.08.2017 passed in I.A.No.1002 of 2017 in O.S.No.151 of 2011 on the file of the Court of the III Additional District Judge, Tirupati.

2 Heard the learned counsel for both the parties.

3 A perusal of the record reveals that the petitioner filed O.S.No.151 of 2011 on the file of the Court of the III Additional District Judge, Tirupati against the respondents for partition of the suit schedule property. During the pendency of the suit, the petitioner filed I.A.No.1002 of 2017 under Order VII Rule 14 (3) r/w Section 151 CPC requesting the court to receive certain documents. The trial court after affording reasonable opportunity to both parties, dismissed the petition. Hence the present Civil Revision Petition.

4 From a perusal of the record it is clear that the petitioner and the respondents belong to one family. The petitioner filed the suit seeking partition of the suit schedule property. It is the case of the petitioner that the suit schedule property originally belongs to one Krishna Swamy Mudaliar. In order to prove her claim, the petitioner filed a petition to receive registered sale deeds dated 11.06.1958, 16.02.1962, 23.05.1970 and 16.05.1990. The petitioner also filed two other documents i.e. application submitted to the Tahsildar and Family Member Certificate.

5 The trial court dismissed the petition on the ground that the petitioner failed to prove the existence of the original documents. It is

needless to say that the proposed documents are certified copies of the registered sale deeds. It is a known fact that the registering authority issue certified copies basing on the original documents available in the office. If the petition is dismissed, it may not be possible for the petitioner to establish her stand. Even if the document Nos.1 to 4 mentioned above, are received, no prejudice will be caused to the respondents. The trial court, without considering the relevancy of these documents as well as the scope of the suit, dismissed the petition on untenable grounds. Viewed from angle, the order passed by the court below is not sustainable.

6 Having regard to the facts and circumstances of the case, this court is of the considered view that this is a fit case to allow the Civil Revision Petition.

7 In the result, the Civil Revision Petition is allowed in part and the order passed by the trial court in I.A.No.1002 of 2017 in O.S.No.151 of 2011 is allowed to the extent of receiving scanned copies of registered sale deeds dated 11.06.1958, 16.02.1962, 23.05.1970 and 16.05.1990 is concerned. However, so far as the dismissal of the petition concerning with the other two documents is concerned, the order is confirmed. No order as to costs. As a sequel, miscellaneous petitions, if any pending in this Civil Revision Petition, shall stand closed.

T. SUNIL CHOWDARY, J.

Dt: 03.08.2018

Kvsn