

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.7033 OF 2017

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 07.11.2017 passed in I.A.No.1967 of 2017 in O.S.No.6 of 2009 on the file of the Court of the Principal District Judge, Srikakulam.

2. Respondent Nos.1 and 2 refused to take the notice. Service of notice on respondent Nos.1 and 2 is sufficient. In spite of service of notice, respondent No.3 did not appear. Hence, this Court is inclined to pass orders on merits.

3. Heard the learned counsel for the petitioner.

4. A perusal of the record reveals that the petitioner filed O.S.No.6 of 2009 on the file of the Court of the Principal District Judge, Srikakulam, against the respondents for declaration and consequential perpetual injunction in respect of the suit schedule property. After closure of the petitioner's (plaintiff) side evidence, the petitioner filed I.A.No.1967 of 2017, under Order VII Rule 14 read with Section 151 C.P.C., to receive the document. The trial Court, after affording a reasonable opportunity to both parties, dismissed the petition on merits. Hence, the present revision.

5. It is the case of the petitioner that her marriage was performed in Ramatheerdham Temple. It is the further case of the petitioner that the temple authorities issued a receipt on 09.05.2006. For one reason or other, the petitioner could not file the receipt at the time of examination of PW.6. The marriage

certificate, dated 02.01.2007, was marked as Ex.A.14. The Assistant Commissioner of Endowments and Executive Officer of Ramatheerdham Temple was examined as PW.6. PW.6 was examined and cross-examined with reference to Ex.A.14. The trial Court dismissed the petition on the sole ground that Ex.A.14 includes the above said receipt. If the petition is not allowed, it may not be possible for the petitioner to substantiate her stand. Even if the petition is allowed, the same may not cause any prejudice to the respondents. The proposed document will throw some light on the controversy involved in the suit.

6. Having regard to the facts and circumstances of the case, this Court is of the considered view that it is a fit case to allow the revision.

7. In the result, the Civil Revision Petition is allowed setting aside the order dated 07.11.2017 passed in I.A.No.1967 of 2017 in O.S.No.6 of 2009 on the file of the Court of the Principal District Judge, Srikakulam. Consequently, I.A.No.1967 of 2017 is allowed to receive the receipt dated 09.05.2006, subject to proof and relevancy. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 31.07.2018
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