

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.507 of 2019

ORDER :

This Revision is filed challenging the order dt.31-12-2018 in I.A.No.888 of 2018 in I.A.No.647 of 2015 in O.S.No.1513 of 2013 of the I Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar.

2. Petitioner is defendant in the suit.
3. Respondents filed the said suit against petitioner for declaration of their title, grant of perpetual injunction and recovery of some amount.
4. Written statement was filed by petitioner opposing the suit claim.
5. Respondents had filed I.A.No.647 of 2015 under Order XXVI Rule 9 C.P.C. for appointment of an Advocate-Commissioner to survey and demarcate the southern boundary of Sy.No.102/4 and to measure plot No.60 in the said Survey Number which is located in Nagole village.
6. Counter-affidavit was filed by petitioner opposing the said relief.

7. Thereafter petitioner filed I.A.No.888 of 2018 requesting the Court to receive certain documents in I.A.No.647 of 2015 in support of his opposition to the said I.A.

8. By order dt.31-12-2018, the Court below dismissed it treating it as an application made by the petitioner for receipt of the said documents in the suit.

9. Assailing the same, this Revision is filed.

10. Heard both sides.

11. Learned counsel for petitioner contends that petitioner had not sought to file these documents in the suit and wanted the Court below to receive the documents only in I.A.No.647 of 2015, and the Court below wrongly invoked Order VIII Rule 1(A) C.P.C. and dismissed the application.

12. Learned counsel for respondents supported the order passed by the Court below, but he did not dispute that the Order VIII Rule 1(A) C.P.C. would have no application for receipt of documents in the I.A. and it would have application only if the documents are sought to be filed by petitioner in the suit.

13. Since the Court below seems to have been under misapprehension that the documents are sought to be filed by petitioner in the suit which is admittedly not the case, the impugned order is set aside and the said I.A.No.888 of 2018 in I.A.No.647 of

2015 in O.S.No.1513 of 2013 is allowed, and the Court below shall endeavour to decide I.A.No.647 of 2015 at the earliest possible, preferably within two (02) months from the date of receipt of copy of the order.

14. The Civil Revision Petition is allowed as above. No costs.

15. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 13-06-2019

Vsv

