

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.725 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendant Nos.1 and 2, challenging the order, dated 19.11.2018, passed in I.A.No.1760 of 2018 in A.S.No.90 of 2015, by the Principal District Judge, Warangal, whereby, the petition filed by the respondent/plaintiff under Order XLI rule 27(1) read with Section 151 of C.P.C. to receive the documents enlisted to the subject interlocutory application as additional evidence, was allowed, on payment of costs of Rs.300/- to the respondents counsel therein, by 26.11.2018.

2. Heard Sri Surya Balu Mahendra, learned counsel, representing Sri Ravulapati Sreenivasa Rao, learned counsel for the revision petitioners/defendants 1 and 2 and perused the record.

3. The learned counsel for the revision petitioners/defendants 1 and 2 would contend that the Court below failed to consider the contentions of the revision petitioners/defendants 1 and 2 while disposing of the subject interlocutory application and ultimately prayed to set aside the order under challenge and allow the Civil Revision Petition as prayed for.

4. A perusal of the documents sought to be received as additional evidence reveals that those documents pertain to the year 2018. The subject Appeal Suit was filed before the Court below in the year 2015. Thus, it is clear that at the time of filing of

the subject Appeal Suit before the Court below, those documents were not in existence. Further, the documents sought to be received as additional evidence are (1) notice issued by the Warangal Municipal Corporation, dated 09.05.2018, (2) tax receipt, dated 25.05.2018, and (3) proceedings, dated 29.08.2018, issued by Warangal Municipal Corporation, pertaining to the suit schedule property. Those documents are relevant for adjudication of the subject matter. To receive those documents as additional evidence to establish the subsequent events, the respondent/plaintiff filed the subject interlocutory application under Order XLI Rule 27(1) read with Section 151 of CPC. The Court below had dealt with the subject matter in detail and passed a reasoned order, assigning valid reasons. Therefore, neither it can be said that the Court below exceeded its jurisdiction in passing the impugned order, nor there is perversity in the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

08th November, 2019
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Dr. SHAMEEM AKTHER, J