

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.864 of 2019

ORDER :

This Civil Revision Petition is filed challenging the order dt.13-03-2019 of the Chief Judge, City Civil Court, Hyderabad in O.S. (SR) No.4726 of 2019 returning the plaint on the pretext that petitioners ought to file ownership documents either original or certified copies relating to the suit schedule property.

2. Learned counsel for petitioners contends that it is no part of the duty of the Court to examine, at the stage of scrutiny and registration of the suit, whether the plaintiff has adduced sufficient documentary evidence in support of his prayer in the suit, and if the plaintiff fails to file proper material to substantiate his pleas, he will be doing so at his peril.

3. He also placed reliance on the judgment of this Court in **Mohd. Osman Ali Vs. Second Junior Civil Judge, City Civil Court, Hyderabad and another**¹, wherein this Court observed:

“4. ... When a party files a suit, in accordance with the procedure prescribed under the Code of Civil Procedure and Civil Rules of Practice, it is no part of the duty of the Court to examine, at the stage of scrutiny and registration of the suit, whether the plaintiff has adduced sufficient documentary evidence in support of his prayer in the suit. If the plaintiff fails to file proper material to substantiate his pleas, he will be

¹ 2010 (4) ALD 273

doing so at his peril. But the Court cannot, at the scrutiny stage, insist on the plaintiff to file the documents, which, in its opinion, are relevant for granting relief.”

4. In view of the settled legal position, the impugned order dt.13-03-2019 passed by the Court below cannot be sustained and it is accordingly set aside, and the Court below is directed to number the plaint, if it is otherwise in order.

5. The Civil Revision Petition is allowed with the above directions. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 10-04-2019

Vsv

