

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1015 of 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/defendant No.2, aggrieved by the order dated 28.03.2019 passed in I.A.No.338 of 2018 in O.S.No.35 of 2014 by the learned V Additional District Judge (II-Fast Track Court), Warangal at Jangaon.

2) Heard the learned counsel for the petitioner and perused the record.

3) The main contention of the petitioner is that the impugned application under Order VII Rule 14(i)(a) of CPC is filed belatedly. However, the Court below allowed the same without assigning any reasons. The petitioner has challenged the receipt of the CD, without there being any certificate from the authority concerned with regard to its genuineness and issuance.

4) Admittedly there is no sub-clause (a) to Order VII Rule 14(1) CPC. The subject C.D was not filed along with the plaint. It is filed subsequently on the ground that it was traced recently and it was necessary for the proper adjudication of the suit. When the I.A.No.388 of 2019 was taken up by the Court below, both parties were absent. So the Court below passed orders that the subject C.D can be received in evidence subject to objections and admissibility.

5) The required provision of law under which the subject I.A ought to have been filed is under Order VII Rule 14(3) CPC. The wrong mention of provision of law would not defeat the case of the respondent No.1/plaintiff. However, it is made clear that the C.D

proposed to be marked during trial has to be proved in accordance with the procedure established under law. To place reliance on the document, whether a certificate from the authority concerned is required or not, has to be answered by the Court below after conclusion of the trial.

6) With the above observation, this Civil Revision Petition is disposed of.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

Date: 27.08.2019
ssp

Dr. SHAMEEM AKTHER, J

