

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP. No.1461 of 2019

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the docket order dt.26.04.2019 of the Court below refusing to number the suit on the ground that the petitioner did not file document in proof of his ownership.

2. The issue raised in this case is covered by the judgment of this Court in **Mohd.Osman Ali Vs. Second Junior Civil Judge, City Civil Court, Hyderabad¹** wherein this Court held that a party files a suit, in accordance with the procedure prescribed under the Code of Civil Procedure and Civil Rules of Practice, and 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 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.

3. In view of this settled legal position, the impugned docket order dt.26.04.2019 passed in OSSR No.5145 of 2019 of the Chief Judge, City Civil Court, Hyderabad is set aside and if the plaint presented is otherwise in order, the said Court shall number the plaint and proceed to take further action, in accordance with law.

4. Accordingly, this Revision is allowed. There shall be no order as to costs.

¹ ALD 2010 (4) 273, LAWS (APH) 2010 (3) 59

5. As a sequel, miscellaneous applications, if any pending shall stand closed.

JUSTICE M.S. RAMACHANDRA RAO

Date: 09.07.2019

LSK



