

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.1524 of 2019

ORDER :

This Revision is filed assailing the order dt.13-06-2019 in I.A.No.54 of 2019 in O.P.No.1115 of 2016 of the Family Court-cum-Addl. Chief Judge at Hyderabad refusing to permit the petitioner to file certain documents in the O.P.

2. The documents sought to be filed by petitioner are :

- (1) Dr.Gurava Reddy certificate dt.13-08-2018,
- (2) X-Ray report dt.03-08-2018;
- (3) Case history, and
- (4) Prescription of medicine dt.03-08-2018.

3. According to the learned counsel for petitioner, petitioner had suffered multiple injuries in an accident resulted in hip bone fracture, head injury and right hand shoulder fracture, and she had undergone total hip replacement costing Rs.5.00 lakhs in Sunshine Hospital and she wanted to file the above documents in support of the said plea. She also contended that in the O.P., it is the plea of the respondent that petitioner had become unfit for leading marital life and these documents would support her case and to rebut the said contention.

4. In the impugned order, the Court below stated that xerox copies of the certificate dt.03-08-2018 and 13-08-2018 have been filed but

not originals and there was no X-ray film or X-ray report in the cover filed by petitioner.

5. Learned counsel for petitioner contends that the Junior counsel, who had freshly joined legal profession had committed a mistake and the same may be overlooked and the petitioner be permitted to file the said documents.

6. Though learned counsel for respondent opposed the same, since, in my opinion, the said documents were not filed by mistake of the Junior counsel and they are admittedly available with the petitioner, petitioner should be given an opportunity to file the said documents in the O.P.

7. Accordingly, the Civil Revision Petition is allowed; the order dt.13-06-2019 in I.A.No.54 of 2019 in O.P.No.1115 of 2016 of the Family Court-cum-Addl. Chief Judge at Hyderabad is set aside; and the said I.A. is allowed subject to the condition that within one week from the date of receipt of copy of the order, the petitioner files the four documents referred to above without fail in the Court below and also serve copy of these documents on the counsel for respondent. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 01-08-2019

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