

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2036 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendants, challenging the order, dated 26.06.2019, passed in I.A.No.245 of 2019 in O.S.No.2 of 2012, by the Junior Civil Judge, Wanaparthi, whereby, the petition filed by the respondent/plaintiff under Order VII Rule 14 read with 151 of C.P.C. to receive certain documents in evidence, was allowed.

2. Heard the learned counsel for the petitioners/defendants and perused the record.

3. The learned counsel for the petitioners/defendants would contend the subject Interlocutory Application filed to receive the certified copy of ROR and certified copies of pahanies for the years 1990-91, 1991-92, 1992-93, 1993-94 and 2009-10 was allowed by the Court below without assigning any reasons. The impugned order is unsustainable and ultimately prayed to set aside the order under challenge.

4. Admittedly, the suit in O.S.No.2 of 2012 is filed for perpetual injunction. The respondent/plaintiff wanted to place reliance on the certified copy of ROR and certified copies of pahanies referred above. The Court below was pleased to allow the subject Interlocutory Application holding that no prejudice would be caused to the petitioners/defendants if the

documents are received in evidence. The documents proposed to be marked are only the certified copies. Under these circumstances, though there is delay in obtaining and filing the certified copies referred above, since no prejudice would be caused to the petitioners/defendants, if the said documents are received in evidence, the Court below is justified in passing the impugned order. There is no illegality or infirmity in the order under challenge. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

6. 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.

Dr. SHAMEEM AKTHER, J

17th September, 2019
Bvv