

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2142 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant, challenging the order, dated 13.08.2019, passed in I.A.No.336 of 2019 in O.S.No.403 of 2014, by the III Senior Civil Judge, City Civil Court, Secunderabad, whereby, the petition filed by the petitioner/defendant under Order VIII Rule 1A(3) of CPC praying the Court below to receive certain documents and mark the same as exhibits, was dismissed.

2. Heard the learned counsel for the petitioner/defendant and perused the record.

3. The learned counsel for the petitioner/defendant would submit that merely because a leave application, as required under Order VIII Rule 1A(3) of CPC is not filed by the petitioner/defendant, the Court below dismissed the subject interlocutory application holding as per Order VIII Rule 1A(3) of CPC, it is only the leave which can be sought for and can be granted for filing the documents, but there is no provision in CPC to seek the relief of receiving the documents, as the same has been deleted by amendment in the year 2002. The petitioner/defendant is ready to file an application before the Court below seeking leave of the Court to receive the documents and ultimately prayed to set aside the order under challenge and allow the Civil Revision Petition as prayed for.

4. Admittedly, leave application, as required under Order VIII rule 1A(3) of CPC, to receive the documents, was not filed by the

petitioner/defendant. Certified copies of legal notice, dated 25.01.2016, reply notice, dated 03.02.2016, relating to the subject matter and other connected material documents are sought to be received in the original suit. Those documents appear to be relevant for adjudication of the subject suit.

5. Under these circumstances, the impugned order, dated 13.08.2019, passed in I.A.No.336 of 2019 in O.S.No.403 of 2014, by the III Senior Civil Judge, City Civil Court, Secunderabad, is set aside. I.A.No.336 of 2019 stands restored to the file of the Court below. The petitioner/defendant is granted liberty to file a leave application, as required under Order VIII Rule 1A(3) of CPC, before the Court below and on filing of such an application, the Court below shall deal with the same, in accordance with law.

6. The Civil Revision Petition is, accordingly, allowed. 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

31st October, 2019
Bvv