

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2172 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/defendant No.1 aggrieved by the order dated 22.08.2019 passed in I.A.No.1010 of 2019 in O.S.No.261 of 2009 by the learned Principal Junior Civil Judge at Medchal, Ranga Reddy District, whereby the application filed by the revision petitioner to receive the document, i.e., proceedings No.19081/LPS/HMDA/Plg./2008, dated 27.03.2010, issued by HMDA, regularising plot Nos.40 and 41, was dismissed on the ground of laches, delay and not mentioning the details of the said document in the written statement.

2. In spite of service of notice to respondent No.1, there is no representation on his behalf.

3. Heard learned counsel for the revision petitioner and perused the record.

4. Leaned counsel for the revision petitioner would submit that the said document is necessary for adjudication of the subject matter of the suit. The Court below ought not have dismissed the subject Interlocutory Application and ultimately prayed to allow the Civil Revision Petition as prayed for.

5. The aforesaid document was issued by HMDA regularising plot Nos.40 and 41 in Sy.Nos.74 and 77 of Medchal Village, Ranga Reddy District, in favour of the revision petitioner/defendant No.1. The suit is filed for mandatory injunction and also perpetual injunction as a consequential relief. There is a plan annexed to the proceedings

dated 27.03.2010. Admittedly, the revision petitioner has not mentioned the details of the said document in the written statement. However, the said document has a bearing on the decision of the suit. There is delay and laches on the part of the revision petitioner in not filing the document immediately on its receipt.

6. In the course of submissions, it is brought to the notice of this Court that written statement was filed by the revision petitioner earlier to the date of receipt of the said document. In the given circumstances, for just adjudication of the subject matter of the suit, the said document is required to be received in evidence as per the procedure established under law. Therefore, the impugned order is liable to be set aside.

7. Accordingly, the impugned order dated 22.08.2019 passed in I.A.No.1010 of 2019 in O.S.No.261 of 2009 by the learned Principal Junior Civil Judge at Medchal, Ranga Reddy District, is set aside. Consequently, I.A.No.101 of 2019 stands allowed as prayed for. The Court below is directed to receive the proceedings No. 19081/LPS/HMDA/Plg./2008, dated 27.03.2010, along with its map annexed to it, as per the procedure established under law. It is for the Court below to decide the binding nature of the document, for determination of the subject suit.

8. With the above direction, the Civil Revision Petition is allowed.

The Miscellaneous Petitions, if any, pending shall stand closed.
No costs.

Dr. SHAMEEM AKTHER, J

Date: 26.11.2019
ssp