

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2436 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff, challenging the order, dated 13.08.2019, passed in I.A.No.1138 of 2019 in C.M.A.No.52 of 2019, by the III Additional District Judge, Ranga Reddy District, whereby, on a petition filed by the petitioner/plaintiff under Section 151 of C.P.C. to grant stay of all further proceedings pursuant to the order and decree, dated 06.06.2019, passed in I.A.No.87 of 2019 in O.S.No.74 of 2019, by the I Additional Junior Civil Judge, Ranga Reddy District at L.B.Nagar, the Court below directed its office to send back all the documents to the trial Court to get them marked by obtaining the signatures of the incharge officer with due seals, in conformity with the documents mentioned in the order, and in case any documents are not available, inform the same to the Court below expeditiously to order next steps, and after marking the documents, to transmit the same to the Court below on or before 26.08.2019 and further directed both the parties to maintain *status quo* regarding the property in possession.

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

3. The learned counsel for the petitioner/plaintiff would submit that the Court below ought not have sent the documents for proper marking to the trial Court. Further, the Court below erred in

ordering *status quo* regarding the property in question and ultimately prayed to set aside the order under challenge.

4. In view of the facts and circumstances of the case, it is relevant to state that inadvertently, there is no marking of the documents relied by the parties to the proceedings, by the trial Court. Those documents are required to be marked by the Court concerned. The Court below has inherent power to remit the matter to the trial Court to rectify the omissions occasioned in marking the documents relied by the parties to the litigation. When the documents were not marked by both sides before the trial Court, the Court below is justified in passing the order of *status quo* regarding the property in question. The Court below neither committed any illegality nor exercised the jurisdiction, which is not vested in it, in passing the impugned order. There are no circumstances to interfere with the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. 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

23rd October, 2019
Bvv