

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2474 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/plaintiffs, challenging the order, dated 01.10.2019 passed in I.A.No.895 of 2019 in O.S.No.09 of 2018, by the learned II Addl. Senior Civil Judge, Warangal, whereby, the petition filed by the petitioners/plaintiffs under Order VII Rule 14(3) of C.P.C. seeking to receive the list of documents appended to the petition, was dismissed.

2. Heard the learned counsel for the revision petitioners/plaintiffs, the learned counsel for the respondents/defendants on caveat and perused the record.

3. The learned counsel for the revision petitioners/plaintiffs would contend that the impugned order passed by the Court below is erroneous. It is submitted that the proposed additional documents were misplaced and as soon as they were traced out, the subject I.A was filed to receive those documents. The Court below ought to have received the proposed additional documents, for consideration in I.A.No.226 of 2018, which is filed for interim injunction and also for consideration in the subject suit and ultimately prayed to set aside the impugned order by allowing the revision petition as prayed for.

4. On the other hand, learned counsel for the respondents/defendants would contend that the Court below is justified in dismissing the subject I.A. and there is no illegality or perversity in the order under challenge and ultimately prayed to dismiss the revision petition.

5. In view of the submissions made by both sides, the point for determination is:

“Whether the impugned order dated 01.10.2019 passed in I.A.No.895 of 2019 in O.S.No.09 of 2018 by the learned II Addl. Senior Civil Judge, Warangal, is sustainable?”

6. POINT: In the course of submissions made by both sides, it is brought to the notice of this Court that issues are not yet framed in the subject suit. The subject Original Suit is filed for perpetual injunction. I.A.No.226 of 2018 filed by the petitioners/plaintiffs seeking interim injunction was dismissed by the Court below. Aggrieved, the petitioners/plaintiffs filed C.M.A.No.430 of 2019, wherein this Court vide order dated 12.06.2018 remanded the matter to the Court below directing to dispose of I.A.No.226/2018 afresh after hearing both sides, within six(6) weeks. Thereafter, the petitioners/plaintiffs filed the subject I.A seeking to receive the list of documents filed along with the petition, on the ground that they are very much essential for consideration in I.A.No.226 of 2018 as well as the subject suit. The Court below vide impugned order dated 01.10.2019 dismissed the subject I.A.

7. It may be noted that in the subject suit, no issues were framed by the time orders are passed in I.A.No.226 of 2018. In the given circumstances, for proper adjudication of the subject matter, both parties are entitled to produce relevant documents on record for consideration and disposal of I.A.No.226 of 2018 as well as the subject suit.

8. Therefore, the impugned order, dated 01.10.2019 passed in I.A.No.895 of 2019 in O.S.No.9 of 2018, by the learned II Addl. Senior Civil Judge, Warangal, is set aside. Consequently, I.A.No.895 of 2019 is allowed and the trial Court is directed to receive the list of documents filed along with the subject I.A, for consideration in accordance with law.

9. Accordingly, this Civil Revision Petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand dismissed.

22nd November, 2019
vvr

Dr. SHAMEEM AKTHER, J