

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2781 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant No.2, challenging the order, dated 05.11.2019, passed in I.A.No.898 of 2019 in O.S.No.298 of 2015, by the X Additional Chief Judge, City Civil Court, Hyderabad, whereby, the petition filed by the petitioner/defendant No.2 under Section 151 of C.P.C. to send Ex.A.59, i.e., the Provisional Trade License, dated 12.05.2015, to the Licensing Authority, Circle 14 (Old Circle – 8), Greater Hyderabad Municipal Corporation (for short, 'GHMC') for examination to determine whether the same was issued by the GHMC or not, was dismissed.

2. Heard the learned counsel for both the sides and perused the record.

3. The learned counsel for the revision petitioner/defendant No.2 would contend that the information was sought under Right to Information Act from GHMC with regard to the alleged Provisional Trade License, dated 12.05.2015. Certain information was received from the GHMC vide document, dated 30.04.2018, wherein, there is a specific mention to issue true copy after comparing the same with the original Ex.A.59. The Court below ought to

have considered the request of the revision petitioner/defendant No.2 in the subject interlocutory application. The order under challenge is erroneous and ultimately prayed to set aside the same and allow the Civil Revision Petition as prayed for.

4. On the other hand, the learned counsel for the respondent No.1/plaintiff would contend that the subject interlocutory application was filed with delay and laches, after closure of the evidence of the defendants. The Court below is justified in passing the impugned order and ultimately prayed to dismiss the Civil Revision Petition.

5. Admittedly, the evidence of the defendants was closed. After closure of the evidence of the defendants, the revision petitioner/defendant No.2 filed the subject interlocutory application. The revision petitioner/defendant No.2 was not diligent. Furthermore, it is relevant to state that the revision petitioner/defendant No.2 would have asked for the certified copy of Ex.A.59 by filing an appropriate application with the GHMC, to find out the genuineness of Ex.A.59. The revision petitioner/defendant No.2 did not choose to do so. Still such a process is open to the revision petitioner/defendant No.2. As far as the subject interlocutory application is concerned, the Court below examined the merits of the subject interlocutory application and was pleased to dismiss the same. There is

no perversity in the order under challenge and there is nothing to take a different view. 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.

26<sup>th</sup> November, 2019  
Bvv

Dr. SHAMEEM AKTHER, J

