

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.3151 OF 2019

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff aggrieved by the order dated 20.12.2019 passed in I.A.No.758 of 2019 in O.S.No.2377 of 2013 by the XXI Junior Civil Judge, City Civil Court, Hyderabad, whereby the application filed by the revision petitioner/plaintiff under Order VIII Rule 14(3) read with Section 151 of CPC seeking to receive the bank statement dated 17.12.2019, was dismissed.

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

3. Learned counsel for the revision petitioner would submit that bank statement dated 17.12.2019 is relevant for the purpose of adjudication of the original suit, which was filed for perpetual injunction against the landlord but the Court below erroneously dismissed the subject Interlocutory Application and ultimately prayed to set aside the impugned order and allow the Civil Revision Petition.

4. The petitioner/plaintiff ought to have filed the subject Interlocutory Application under Order VII Rule 14(3) of CPC instead of Order VIII Rule 14(3) of CPC. The impugned order dated 20.12.2019 reveals that the revision petitioner/plaintiff had reopened his evidence several times. The original suit is filed

for perpetual injunction against the landlord. The subject Interlocutory Application was filed to grant leave to file the bank statement dated 17.12.2019. Since the suit is for grant of perpetual injunction, the so-called bank statement has no much relevance to determine the subject issues. Further, the subject Interlocutory Application was filed belatedly. The revision petitioner did not choose to file the said bank statement at appropriate time in spite of availing several opportunities. The relief under Order VII Rule 14(3) of CPC is not a mechanical one. It is based on reason, which is absent in the instant case. There is no legal infirmity in the impugned order. This revision petition is devoid of merit and is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed.

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

Date: 31.12.2019
ssp

Dr. SHAMEEM AKTHER, J