

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition No.4871 of 2018

ORDER :

Heard the counsel for petitioner. None appears for respondent even though notice on the respondent as well as on the counsel for respondent in the Court below has been served.

2. This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.26.06.2018 passed in I.A.No.689 of 2017 in O.S.No.247 of 2015 on the file of Junior Civil Judge, Cyberabad at Hayathnagar.

3. The petitioner herein is plaintiff in the above suit.

4. She filed the above suit for declaration of her title and for a perpetual injunction.

5. It is the case of petitioner that she is the wife of Late A.V.S. Ramachandran; that her husband had purchased under a registered sale deed dt.27.06.1988 plot No.109, admeasuring 200 Sq.Yds., in Survey No.44 and 45, situate at Inamguda Village, Lashkarguda Gram Panchayat, Hayathnagar Mandal, Ranga Reddy District; that her husband's brother gifted to her husband plot No.110, adjacent to it under a Gift Settlement Deed bearing Document No.1274 of 1995; and that her husband died in the year 2006, and she succeeded to the property.

6. It appears that during cross-examination of petitioner, the counsel for respondent disputed that petitioner's husband was an Advocate practising in Ranga Reddy District Court and also his relationship with petitioner, and so, she filed I.A.No.689 of 2017 invoking Order VII Rule 14 (3) of Civil Procedure Code, 1908 to submit certain documents relating to the practice of her late husband in the Court at Ranga Reddy District, and also relationship documents such as Wedding Card, etc., to prove that she was married to him.

7. The respondent did not file any counter or opposed it.

8. But the Court below, by order dt.26.06.2018, dismissed it stating that no convincing reasons are stated for not producing these documents earlier.

9. Challenging the same, the present Civil Revision Petition is filed.

10. The counsel for petitioner contended that the order passed by the Court below is perverse and has caused grave injustice to petitioner because only during cross-examination by counsel for respondent was the petitioner questioned about her relationship with her late husband, viz., A.V.S. Ramachandran and his practice as a lawyer in the Court at Ranga Reddy District Court during his lifetime.

11. It was only because of the line of cross-examination, the petitioner was constrained to file the application I.A.No.689 of 2017 in O.S.No.247 of 2015.

12. I find considerable force in the contention of counsel for petitioner.

13. Almost all the documents now sought to be filed by petitioner, though originally not necessary to be filed because of the claim of the suit, became necessary to be filed because of the line of cross-examination adopted by counsel for respondent.

14. Therefore, the Court below is not correct in dismissing the said application stating that the reasons given are not convincing.

15. Accordingly, the Civil Revision Petition is allowed. The order dt.26.06.2018 passed in I.A.No.689 of 2017 in O.S.No.247 of 2015 on the file of Junior Civil Judge, Cyberabad at Hayathnagar is set aside; and the said I.A. is allowed. No order as to costs.

16. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18.06.2019

Ndr/*