**THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**Civil Revision Petition No.6557 of 2018**

**ORDER** :

Heard both sides.

**2.** This Civil Revision Petition is filed assailing the order dt.11.10.2018 passed in I.A.No.552 of 2018 in O.S.No.111 of 2011 on the file of the Senior Civil Judge, Huzurabad.

**3.** The said suit was filed by respondent against petitioners for a perpetual injunction restraining them from interfering with the alleged peaceful possession and enjoyment of the suit schedule property by the respondent.

**4.** The suit schedule property is an RCC building of two floors consisting of twenty-six rooms in an extent of 1465 Sq.Yds. with D.No.10-13 in Survey No.2509/C of Huzurabad.

**5.** Written statement was filed by petitioners opposing the suit claim.

**6.** Seven years later, petitioners filed I.A.No.552 of 2018 seeking to file a certificate issued by a House Construction Mason Society, Huzurabad which certified that one D. Chandra Mouli was a Mason by profession over the last twenty years; that the certificate issued by one Sri Satyanarana and Company, a dealer in cement, stated that he supplied 350 cement bags to the school building along with TIN number, and a compact disc (CD) containing photos and video of

School Annual Day Celebrations allegedly in the suit schedule property. It is merely stated in the said affidavit that these documents pertained to the suit schedule property, and are relevant and necessary to decide the suit.

**7.** Counter-affidavit was filed by respondent opposing this application, and contending that the certificates produced by petitioners are bogus and created for this purpose, and they do not at all relate to the suit schedule property. It was contended that the photos filed by petitioners along with the compact disc (CD) are with regard to the Annual Day Celebrations of the school, but do not relate to the school building.

**8.** By order dt.11.10.2018, the Court below dismissed the said application on the ground that there is no mention of these documents in the Written Statement filed by petitioners, and no reason is assigned why these documents are not filed in the past, though other reasons were also assigned on the relevancy of the documents sought to be produced by petitioners.

**9.** I am of the opinion that the Court below ought not to have given such reasons which are outside the scope of the application filed under Order VIII Rule1-A(3) of Civil Procedure Code, 1908. However, to the extent the Court below observed that there is no reason assigned by petitioners why the documents now sought to be

filed were not filed along with the written statement, the Order of the Court below cannot be found fault with.

**10.** Therefore, the Civil Revision Petition is dismissed. No order as to costs.

**11.** However, the Court below shall proceed further in the matter uninfluenced by the observations made by it in its order dt.11.10.2018 in I.A.No.552 of 2018 in O.S.No.111 of 2011 as regards the relevancy and usefulness of the documents sought to be submitted by petitioners.

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

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 06.03.2019
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