

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.2855 OF 2019

Dated:30.01.2020

Between:

Veluri Ramakrishna Reddy,
S/o. Late Satti Reddy, aged
About 33 years, Occ: Advocate,
R/o.H.No.1-52, Vishwanathapuram
Village, Station Ghanapuram Mandal,
Jangaon District

.. Petitioner

And

Mulugoori Yadagiri, S/o. Mallaiah,
Age 65 years, Occ: Agriculture,
R/o.Vishwanathapuram Village,
Station Ghanapuram Mandal,
Jangaon District and others

.. Respondents



This Court made the following:

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ORDER:

Heard learned counsel for the petitioner and Sri A.P. Venugopal, learned counsel for respondents 1 and 3 to 5.

2. Petitioner is defendant No.8 in O.S.No.166 of 2013 pending in the Court of VIII Additional District Judge, Warangal. He filed I.A.No.143 of 2019 praying to receive the documents mentioned in the said application. By order dated 19.09.2019, the said application was dismissed on the ground that there were defects in the cause title and the petitioner/defendant No.8 sought to correct the said defects in the form of a memo filed. The Court was not inclined to accept the averments made in the memo as part of the record and therefore on that ground the application was rejected. Aggrieved thereby, this revision is preferred.

3. When the matter is taken up, learned counsel for the petitioner/defendant No.8 submits that due to over sight and mistake, the cause title was not correctly reflected and instead of taking steps by filing application to correct the said mistakes, petitioner filed memo. He seeks leave of the Court to file fresh application praying to permit the petitioner to present the documents mentioned in the said application.

4. Notice was served on all the respondents, except respondent No.7. It appears, respondent No.7 died. Therefore, the cause does not survive insofar as respondent No.7 is concerned.

5. Learned counsel for respondents 1 and 3 to 5 opposes the prayer in the said application. He would submit that the documents ought to have been filed along with the written statement and therefore it is not permissible for the petitioner/defendant No.8 to present the documents at this stage, more particularly when issues were already framed.

6. Having regard to the submissions made by learned counsel for the petitioner/defendant No.8, the Court is not inclined to go into the validity of the claim made by the petitioner in the application filed before the trial Court seeking leave of the Court to receive the documents and the Court accepts the submission of learned counsel for the petitioner to set aside the order dated 19.09.2019 made in I.A.No.143 of 2019.

7. Therefore, the order dated 19.09.2019 in I.A.No.143 of 2019 in O.S.No.166 of 2013 on the file of VIII Additional District Judge, Warangal, is set aside. The petitioner/defendant No.8 is granted liberty to file a fresh application by curing the defects earlier pointed out by the trial Court. As and when such application is filed, the trial Court shall consider the same after affording due opportunity to the respective parties. It is made clear that there is no expression of opinion on merits. It is open to the respondents herein to raise objections as available in law against the request of the petitioner/defendant No.8 to receive the documents mentioned in I.A.No.143 of 2019. To the said extent, the order of the trial Court is set aside.

8. The Civil Revision Petition is accordingly allowed. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:30.01.2020

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