

THE HON'BLE SRI JUSTICE A.VENKATESHWARA REDDY

C.R.P.NO.512 OF 2013

ORDER

This civil revision petition is directed against the orders in I.A.No.361 of 2012 in O.S.No.577 of 2010 dated 27.09.2012 on the file of learned Principal Senior Civil Judge at Warangal.

This application in I.A.No.361 of 2012 was filed by the plaintiff under Order 7, Rule 14(3) of CPC seeking for receiving the documents filed along with the petition.

As per the averments made in the affidavit filed in support of the petition, it is averred that required documents were filed along with the suit, but due to oversight, the documents filed along with the present petition, could not be filed, and in fact the respondent/defendant had en-cashed the cheque issued at the time of payment of prize amount, and accordingly requested to receive the documents, and since it is a suit for recovery of amount filed by the chit fund company against the subscriber, no prejudice would be caused to the defendant, even if the documents is received.

It is further averred that the evidence of P.W.1 is in progress, and at the time of cross-examination, to avoid ambiguity, leave was sought to file such documents. As noted above, the said application was allowed by the court below. Aggrieved by the said order dated 27.09.2012, this civil revision petition was filed, and interim stay was granted on 15.02.2013.

In view of the fact that original suit is only filed for recovery of money, wherein the defendant No.1 being the subscriber of a chit fund scheme, availed the prize money, and it is the case of the respondent / plaintiff that the prize money was paid through the cheque and it was encashed, if such cheque is produced before the court at a later point of time no prejudice would be caused to the petitioner / defendant No.1, as the petitioner has availed the prize money, and not taken by surprise with the said document. Accordingly the court below has rightly allowed the application to receive the documents, subject to proof and relevancy, and considering the facts and circumstances of the case, I find no

reason to interfere with the impugned order. The civil revision petition is accordingly dismissed.

As the original suit is of the year 2010 and the proceedings are stalled because of the stay orders of this court, both the parties to the suit shall co-operate with the trial court for expeditious disposal of the matter.

The trial court shall make every endeavour to dispose of the matter within six months from the date of receipt of a copy of this order.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.VENKATESHWARA REDDY,J

DATE:15—12—2021

AVS