

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

Civil Revision Petition No.3670 of 2023

Civil Revision filed under Article 227 of the Constitution of India, assailing the order dated 01.12.2023 passed in I.A.No.1127 of 2023 in O.P.No.740 of 2016 and O.P.No.1091 of 2017 on the file of the Judge, I Additional Family Court-cum-XIV Additional Metropolitan Sessions Judge, Hyderabad.

Between:

Sahil Bablani, S/o. Kishori Lal Bablani, Aged about 40 years. Occ. L.L.B Student, R/o. 401, Kalika, Plot No.12-A, Greater Bombay Co-operative Housing Society Ltd., Gulmohar Cross Road No.4, JVPD, Muinbai - 400049 represented by his GPA Holder Kishori Lal Bablani, S/o. Late Shri Ishwar Dass, Aged about 70 years, Occ. Retired, R/o.401, Kalika, Greater Bombay CHS Ltd. Gulmohar Cross Road No.4, JVPD, Mumbai- 400049.

...Petitioner.

AND

Dr.Deepa M. Sharma, W/o. Sahil Bablani, D/o. Monan Sharma, Aged about 33 years, R/o. 6, Summit Apartments, 37 HUDA Heights, Near Lotus Pond, Banjara Hills, Hyderabad.

...Respondent.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased STAY all further proceedings in O.P No.740 of 2016 and O.P No.1091 of 2017 pending before the I Additional Family Court, cum-XIV Additional Metropolitan Sessions Judge, Hyderabad as it is posted for final arguments, pending the main C.R.P.

Counsel for the Petitioner: Sri M.Kalyana Rama Krishna.

Counsel for the Respondent:

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE P. SAM KOSHY

Civil Revision Petition No.3670 of 2023

(Lunch Motion)

ORDER :

The instant Civil Revision Petition has been filed by the petitioner under Article 227 of the Constitution of India assailing the order dated 01.12.2023 in I.A.No.1127 of 2023 in O.P.Nos.740 of 2016 and O.P.No.1091 of 2017 passed by the Judge, I Additional Family court-cum-XIV Additional Metropolitan Sessions Judge, Hyderabad.

2. Heard Mr. M. Kalyana Rama Krishna, learned counsel for the petitioner.

3. *Vide* the impugned order, the Court below has rejected the application filed by the petitioner under Order VIII Rule 1 of Civil Procedure Code, 1908 with a prayer to receive the additional documents filed therein.

4. A perusal of the impugned order would clearly reflect that the Court below has duly considered the contentions put forth by the petitioner while pressing the said I.A. and reached to a conclusion, as is evident from paragraphs Nos.7 and 8 of the impugned order, viz.,

"7. Perused the entire record. It is evident from the record that the O.P. is coming for further cross-examination

of R.W.1, i.e., petitioner herein. At this juncture, the petitioner filed the present application with a prayer to receive the documents, i.e., (i) Original documents vide Rep.No.C4E/REP/23-2572 that has been sent by the Forensic Examination of Handwriting through Mr. Phaneendar B.N. (Director) to the petitioner dated 15.09.2023 (6 pages); (ii) Copy of English Translation from authorized translator of the copy of information furnished vide RTI-1220/S.No.190/POL-4, dated 04.09.2020 (2 pages); (iii) copy of English Translation from authorized translator of the copy of information furnished vide RTI-1220/S.No.167/POL-4, dated 04.09.2020 (2 pages); and (iv) Copy of English Translation from authorized translator of the copy of information issued by Professor of Anatomy at B.J. Government College, Pune that was received through R.T.I. (1 pages).

8. It is the contention of the respondent that those documents are not authenticated documents and the petitioner did not assign any reason for the delay in filing those documents and only to prolong the litigation the present application is filed, as such the petition is liable to be dismissed. As seen from the affidavit filed along with the present application the petitioner did not choose to assign any reason for the inordinate delay of 8 years in filing the above said documents and even did not mention where those documents are all these years and how the documents were acquired or obtained by the petitioner. Moreover, the above said documents are not the original documents and only English translations. The documents dated 04.09.2020 and another document said to be English Translations of some other documents known to the petitioner himself addressed to Sub-Inspector of Police without any date are not having any signature or seal except the seal of translator. The another document said to be attested copy dated 15.09.2023 attested as "sample" by clue 4 evidence. The petitioner did not assign any

reason for delay of 8 years and the purpose of filing the above said documents and its relevancy to the present O.P. and also fails to show the authenticity of the above said documents. Moreover, the petitioner is not a party to the said documents to exhibit those documents through the petitioner as contended by the petitioner. The petition is devoid of merits."

5. This Court, on a perusal of the aforesaid findings of the Court below, is of the considered opinion that the order passed by the Court below is neither unreasonable nor the Court below has committed any error of law in passing the said impugned order.

6. Given the factual matrix of the case and also taking note of the fact that the O.P. under consideration before the Court below is one which has been filed almost 7 to 8 years back, on this ground also this Court is not inclined to interfere with the impugned order passed by the Court below. Therefore, the Civil Revision Petition fails and is accordingly dismissed. No costs.

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

//TRUE COPY//

SD/- T. VIJAY KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

- To,
1. The Judge, I Additional Family Court-cum-XIV Additional Metropolitan Sessions Judge, Hyderabad.
 2. One CC to Sri M.Kalyana Rama Krishna, Advocate [OPUC]
 3. Two CD Copies

JCK

CHK

HIGH COURT

PSK, J

DATED: 08/12/2023



ORDER

CRP.No.3670 of 2023

DISMISSING THE C.R.P. WITHOUT COSTS.

③ CRP 3670/23