

**THE HON'BLE SRI JUSTICE S. RAVI KUMAR**

**CRP No.171 of 2008**

**Date:21.03.2016**

**Between:**

B. Pushpamma

... Petitioner.

**AND**

Mr. Chandra Shekhar and another.

...Respondents.

**The Court made the following :**

**THE HON'BLE SRI JUSTICE S. RAVI KUMAR**

**CRP No.171 of 2008**

**ORDER:**

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This revision is preferred questioning order dated 01-12-2007 in I.A.No.5423/2006 in O.S.No.1509/2001 on the file of Principal Junior Civil Judge, Ranga Reddy District.

2. Petitioner herein is plaintiff in the above referred suit and she filed the above referred I.A to receive certain documents namely; property tax, demand notices, electricity bills, water bills and certified copy of the commissioner's report etc., contending that those documents could not be filed due to over sight and they are necessary documents to prove her claim. That application was resisted by the respondents by filing counter contending that the documents sought to be filed were all manipulated, and that they are

subsequent to the filing of the suit and therefore, they cannot be received. On these contentions, trial Court dismissed the application holding that all the documents are subsequent to filing of the suit and some receipts filed by the petitioners are of the year 2003, 2004 and 2005 and no satisfactory reasons are given for not filing these documents earlier and on that dismissed the application. Aggrieved by the same, plaintiff preferred the present revision.

3. Respondent No.1 in spite of service of notice, neither appeared in person nor through any Advocate.

4. Revision was dismissed against R2 on 09-10-2015.

5. Heard advocate for petitioners.

6. Advocate for petitioner submitted that the suit is filed for perpetual injunction and to prove possession and legal right of the petitioner, she has produced tax receipts, electricity bills, demand notices, water bills and certified copy of the Commissioner's report, filed in the counter suit filed by the defendants. In the affidavit, it is clearly stated that due to over sight, these documents could not be filed. When an affidavit is filed on behalf of revision petitioner, there was no counter affidavit from the respondent only a formal counter is filed signed by the advocate, but the trial Court, without noticing this aspect, recorded that the revision petitioner has not shown any reasons for not filing these documents earlier. The other ground on which the trial Court has not considered the application is that the documents are of the subsequent years, therefore they cannot be received. At the stage of receiving documents, the Court cannot decide the admissibility of the document, it has to be only at the time of marking, after considering the submissions of both sides, but it appears the Court below, even at the time of receiving them into file, recorded such finding which in my view is not a correct approach.

7. On a scrutiny of the material on record, I am of the considered view that the trial Court committed error in not properly looking at the material on record. It ought to have given an opportunity to the petitioner and on account of such small mistake, the suit of the year 2001 is kept pending till now.

8. For these reasons, the revision is allowed and the impugned order dated 01-12-2007 is set aside and the trial Court shall consider the admissibility of the documents in accordance with law at the time of marking and dispose of the suit as expeditiously as possible.

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

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***JUSTICE S. RAVI KUMAR***

**Date:21.03.2016**

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