

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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CIVIL REVISION PETITION No. 1422 OF 2015

ORDER:

At the request of both Sri N.Ashok Kumar, learned counsel for the petitioner, and Sri M.Bhushan Reddy, learned counsel for the respondents, the civil revision petition is being disposed of at the stage of admission.

2. The revision petition is filed under Article 227 of the Constitution of India challenging the order dated 11-12-2014 passed in I.A.No. 109 of 2014 in O.S.No. 17 of 2009 on the file of the Court of Junior Civil Judge, Banswada (for short, 'the trial Court'), filed under Order VII Rule 14 read with Section 151 of the Code of Civil Procedure (for short, 'C.P.C.') to receive Photostat copy of the notice dated 15-12-2006 issued by Mandal Revenue Officer, Banswada, and true copy of the counter/objection filed by the petitioner before Mandal Revenue Officer, Banswada, in the case of 65 of 2006 dated 09-03-2007.

3. The respondents opposed the petition raising several objections, more particularly on the ground that those documents are inadmissible in evidence and the document dated 24-06-2014 does not bear date and inward number.

4. The trial Court, upon hearing argument of both the counsel, dismissed the petition refusing to receive the documents, after condoning the delay in filing the documents, on the ground that Photostat copy of the notice is inadmissible in evidence and the document dated 24-06-2014 does not bear date and inward number of the office of Mandal Revenue Officer, Banswada.

5. According to Order VII Rule 14 of C.P.C., all the documents sued upon shall be filed and relied upon shall be mentioned in the list of documents. Rule 14 (3) permits the Court to grant leave to any party to the suit to file those documents and, if the Court is satisfied that there is sufficient cause for non-filing of those documents, they can be received.

6. The sole reason for dismissal of the petition is that one document is inadmissible in evidence and the other document does not bear date and inward number. In a petition filed under Order VII Rule 14 of C.P.C., the Court may at best refuse to

condone delay in filing those documents or refuse to grant leave but admissibility of the documents cannot be decided at that stage. Admissibility and authenticity of the documents can be decided only when those documents are tendered in evidence. Thereby, the order of the trial Court is pre-mature and admissibility cannot be decided at the stage of receiving documents under Order VII Rule 14 of C.P.C. Hence, the order under challenge is erroneous on the face of it. The order of the trial Court is, therefore, set aside. However, the respondents are at liberty to challenge admissibility of those documents in evidence when tendered in evidence.

6. The civil revision petition is allowed; setting aside the order dated 11-12-2014 passed in I.A.No. 109 of 2014 in O.S.No. 17 of 2009 on the file of the Court of Junior Civil Judge, Banswada; receiving the documents subject to proof, admissibility and relevancy. Pending miscellaneous petitions in this revision, if any, shall stand closed in consequence. No order as to costs.

M.SATYANARAYANA MURTHY, J.

Date: 15-06-2015.

JSK