

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.4860 of 2014

ORDER :

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.20.11.2014 in I.A.No.716 of 2014 in O.S.No.97 of 2009 on the file of the Principal Junior Civil Judge, Gurazala.

2. The petitioner herein is the plaintiff in the above suit. He filed I.A.No.716 of 2014 seeking permission to receive certain documents by condoning the delay. In the affidavit filed in support of the said application, no reasons have been assigned by the petitioner as to why he could not file the said documents along with the plaint except mentioning that delay occurred in tracing the said documents.

3. Counter-affidavit was filed by the respondent/6th defendant denying the allegations mentioned therein. He contended that the main suit was coming for arguments and about four years after plaintiff's side evidence was closed, the above I.A. was filed without mentioning proper reasons for the delay in filing the said documents.

4. By order dt.20.11.2014, the Court below dismissed the said application on the ground that the petitioner failed to show appropriate reasons for the delay in seeking permission to file certain documents.

5. Challenging the same, the present Revision is filed.

6. Counsel for the petitioner submits that the documents sought to be filed through I.A.No.716 of 2014 are recent documents and they came into existence after the suit was filed. Further, relying upon a judgment in ***Omprakash Gupta v. Government of A.P.***,^[1] he sought to contend that if the documents sought to be filed are certified copies, they can be received in evidence by granting leave under Order VII

Rule 14 CPC.

7. Order VII Rule 14(1) CPC states that when a plaintiff relies upon a document in support of his claim, he shall enter such document in a list and shall produce it in Court when he files the plaint. Sub-clause(3) of Rule 14 of Order VII CPC states that if he does not do so, he cannot, without leave of the Court, file such a document at a later point of time.

8. Since in the affidavit filed in support of I.A.No.716 of 2014 absolutely no reason has been assigned for the delay in filing the documents mentioned therein, the petitioner is not entitled to grant of leave to file them, particularly, when he came forward with this application five years, after the suit is filed.

9. I also do not agree with the contention of the petitioner that the documents sought to be filed are recent documents and they came into existence after the suit was filed. The settlement records as well as the sale deeds referred to in the I.A. appear to have come into existence long prior to the filing of the suit. Merely, because the petitioner has obtained certified copies thereof five years after filing of the suit, he cannot contend that the said documents are recent documents in the light of the judgment in **Omprakash Gupta's** case(1 supra). Therefore, I do not agree with the principle laid down in **Omprakash Gupta's** case(1 supra), since it run contrary to the expressed language of Order VII Rule 14 (3) CPC.

10. In **Ravi Satish v. Edala Durga Prasad & ors.**^[2] this Court considered the question, whether a defendant can be granted leave to file documents which he could not file along with the written statement. This Court held that grant of leave is not for mere asking, nor is the Court a mere post-office to receive documents, even in the absence of any reasons being furnished for failure to file the said

documents along with the written statement. Since the provisions under Order VIII Rule 1(A)(3) CPC and Order VII Rule 14(3) CPC are similar, the ratio in ***Ravi Satish***'s case (2 supra) applies to the present case.

11. Therefore, I do not find any merits in this revision. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

12. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

03rd July, 2014
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[\[1\]](#) LWSS(APH)-2004-1-41 = AndhWR-2004-2-40

[\[2\]](#) Manu/AP/0736/2009