

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Civil Revision Petition No.1510 of 2015

Between:

1.Yekkala Satyanarayana S/o.Sivanarayana & Anr.

.... Petitioners

Vs.

Pyla Parvathi W/o.Jagannadha Rao & Ors.

.... Respondents

DATE OF JUDGMENT PRONOUNCED: 24.07.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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Civil Revision Petition No.1510 of 2015

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ORDER:

This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the X Additional District and Sessions Judge, Visakhapatnam at Anakapalle in I.A.No.43 of 2015 in O.S.No.187 of 2007 dated 13.02.2015.

The petitioners herein are the plaintiffs in O.S.No.187 of 2007, and the petitioners in I.A.No.43 of 2015. O.S.No.187 of 2007

was filed seeking a decree of specific performance of the agreement of sale dated 07.09.2006 executed in favour of the plaintiffs by the defendants. After trial commenced, and PWs.1 to 3 were examined on behalf of the petitioners-plaintiffs, an application was filed in I.A.No.43 of 2015, under Order 7 Rule 14 CPC, requesting the Court below to condone the delay in producing the list mentioned documents, to receive the documents on their side, and to mark them as exhibits.

In the affidavit filed in support of the I.A., the petitioners contended that, during the pendency of O.S.No.187 of 2007, the respondents-defendants had approached them for settlement; in that connection, the respondents asked them to take pay orders in the name of the first respondent; they had, accordingly, sent the amount to PW.3, who in turn had obtained pay orders for Rs.9.00 Lakhs; and had also issued cheques for Rs.11.00 Lakhs in the name of the first respondent to show their *bona fides*; when they tendered the said amount to the respondents, they refused to receive the said amount; subsequently, the pay orders for Rs.9.00 Lakhs were cancelled; and these documents were necessary in the Suit.

In the order under revision, the Court below held that, after the amendment of the Civil Procedure Code in 1999 and 2002, parties to the proceedings had to produce documents along with their respective pleadings, and not at a later stage; if either of the parties to the proceedings intend to file any document, they should obtain leave of the Court under Order 7 Rule 14(3) CPC furnishing reasonable cause why the documents could not be filed along with the plaint; they should place evidence that the enclosed documents are relevant for determination of the issues arising in the Suit; the Suit was for specific performance based on the sale agreement; after framing issues, trial was taken up; three witnesses were

examined on behalf of the petitioners-plaintiffs; when the Suit was coming up for further evidence of the plaintiffs, they had come up with the present I.A, and also another petition to recall PW.3 for further evidence to mark the enclosed documents; the affidavit of the second plaintiff did not disclose any reason why the plaintiffs had failed to file the enclosed documents prior to commencement of trial, even if it was not filed along with the plaint; the affidavit was silent regarding the relevance of the documents to determine the issues arising in the Suit; the enclosed documents were subsequent to the Suit; the petitioners-plaintiffs neither filed any rejoinder to the plaint nor were any steps taken to amend the plaint to include the details of the enclosed documents; it was clear that the enclosed documents were not referred to in the plaint, and its copies were not enclosed along with the plaint; documents, which arose subsequent to the Suit, could not be considered to determine the issues which arise in a Suit basing on the pleadings of both the parties; if really, the petitioners-plaintiffs wanted to rely on these documents, they could have taken steps prior to commencement of trial or at least prior to commencement of evidence of PW.3, but not later; and the petition, as filed, was devoid of merits.

Order VII Rule 14(3) CPC provides that, wherever a document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint, but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the Suit.

Order VII Rule 14(3) CPC confers a discretion on the Court to grant leave for receiving documents in evidence at the hearing of the Suit. The Court below has rightly held that, in a Suit for specific performance, the documents, which were sought to be filed after PW.3 was examined, could not be relied upon. The Court below

has, for just and valid reasons, refused to grant leave. Such exercise of discretion does not suffer from any patent illegality necessitating interference by this Court in proceedings under Article 227 of the Constitution of India. I see no reason, therefore, to exercise discretion, under Article 227 of the Constitution, to interfere with the order of the Court below.

The Civil Revision Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions, if any pending, shall also stand dismissed. No costs.

(RAMESH RANGANATHAN, J)

Date:24.07.2015.

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