

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELENGANA AND THE STATE OF ANDHARA
PRADESH

C.R.P.No.3865 of 2014

Between:

Gundubogula Bala Krishna and another

.....Petitioners

and

G.Satyanarayana and others.

.....Respondents

Date of Judgment pronounced : 31-07-2015

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers : Yes/No
May be allowed to see the judgments?
2. Whether the copies of judgment may be marked : Yes/No
to Law Reporters/Journals:
3. Whether The Lordship wishes to see the fair copy : Yes/No
Of the Judgment?

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

C.R.P.No.3865 of 2014

ORDER:

Heard Sri S.Subba Reddy, learned counsel for the
petitioners and Sri Rambabu Koppineedi, learned counsel

for 1st respondent.

2. This Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.11-09-2014 in I.A.No.985 of 2014 in O.S.No.170 of 2006 of the Senior Civil Judge, Tadepalligudem.

3. Petitioners herein are the defendant Nos.2 and 3 in the suit. The said suit was filed for specific performance of an agreement of sale allegedly executed by the deceased 1st defendant in the suit in favour of 1st respondent/plaintiff. Written Statement was filed by the defendants including the petitioners denying the execution of the said agreement of sale in favour of 1st respondent. Issues were framed. Trial commenced. Evidence on the side of plaintiff was closed and the matter was coming up for defendants' side evidence. On 24-07-2014, 1st petitioner-2nd defendant filed his affidavit in lieu of chief examination and the case was posted to 19-08-2014 for his cross examination. On that day, he filed I.A.No.985 of 2014 under Order 8 Rule 1-A (4) CPC to receive certain documents.

4. In the affidavit filed in support of the said application, he stated that while going through the depositions of the witnesses examined by 1st respondent/plaintiff, he had come to know that there were some disputes between 1st respondent and his brothers-in-

law and that 1st respondent had purchased certain property at Rajahmundry prior to the execution of the agreement of sale which is subject matter of the present suit and that there was litigation pending in the said Court.

5. This application was opposed by 1st respondent who alleged that no relevancy was shown as to how the documents sought to be filed are relevant to the present suit.

6. By order dt.11-09-2014, the Court below dismissed the said application on the ground that the Court did not understand the relevancy of the documents sought to be marked in the suit by the petitioners.

7. Challenging the same, this Revision Petition is filed.

8. Learned counsel for the petitioners contends that while deciding whether or not to receive the documents in question under Order 8 Rule 1-A CPC, the Court cannot go into the question of relevancy of the document; the Court has only got to see whether sufficient cause has been shown by the petitioners for not filing these documents along with the Written Statement; and that the question of relevancy and admissibility of the documents can be gone into by the Court below only at a later stage after receiving the documents first.

9. Learned counsel for 1st respondent does not

dispute this.

10. I am of the opinion that while deciding whether or not to receive the documents under Order 8 Rule 1-A CPC, the Court cannot go into the relevancy of the documents and the Court has only got to see whether adequate reason has been given by the defendants why they could not be produced earlier.

11. Since according to the petitioners, they came to know about certain facts which have a bearing on the suit after going through the record, I am of the opinion that case for grant of leave was made out by the petitioners to receive the documents filed along with the said I.A. The stage of marking the documents has not yet arisen and that stage will arise only when the petitioners seek to mark these documents in evidence on their behalf. Therefore, the Court below is not right in rejecting I.A.No.985 of 2014 on the ground that it did not understand the relevancy of the documents sought to be filed by the petitioners.

12. Accordingly, the Civil Revision Petition is allowed. The impugned order therefore is set aside and I.A.No.985 of 2014 is allowed. It is made clear that this Court has not expressed any opinion on relevancy or admissibility of the documents sought to be filed by the petitioners and the said issue can be gone into by the Court at the time of marking of the documents by the petitioners. Since the suit is an old suit, the Court below is directed to

dispose of the suit as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of the order. No costs.

13. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 31-07-2015

kvr