

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

C.R.P.No.4139 of 2014

ORDER:

Heard Sri K.Ramamohan Mahadeva, learned counsel for the petitioners. None appears for the respondents.

2. This Revision Petition is filed challenging the order dt.08-10-2014 in I.A.No.417 of 2014 in O.S.No.26 of 2008 of the Senior Civil Judge, Piler, to receive certain documents sought to be filed by the petitioners.

3. Petitioners are plaintiffs in the suit. They filed the suit for perpetual injunction against the respondents restraining respondents from interfering with their possession and enjoyment of the plaint schedule property. Written Statements were filed by the respondents. Issues were settled on 15-07-2009. Petitioners did not commence their evidence and the matter appears to have been adjourned on a number of occasions even on payment of costs till 2014.

4. At this stage, petitioners on 13-06-2014 filed I.A.No.417 of 2014 seeking permission of the Court to file three documents styled as certified copies of gift settlement deed and a sale deed and a valuation certificate issued by the said Sub Registrar. The only reason assigned in the affidavit filed in support of the said

application for not filing them earlier was that the petitioners had obtained these documents prior to the filing of the said application.

5. This application was opposed by the respondents who contended that the documents said to be filed are certified copies which are public documents available at any time to anybody; even though these documents were available, petitioners have not filed them at the time of filing the suit or at an earlier point of time; and therefore, the cause shown by the petitioners for not filing them earlier is not *bona fide* and invented one.

6. By order dt.08-10-2014, the Court below dismissed I.A.No.417 of 2014. It held that the documents sought to be filed now are public documents, that they were available with public authorities and there was no impediment for the petitioners to obtain these documents and file them into Court before commencement of trial. It held that the reason now assigned by the petitioners is not a ground to receive documents at a belated stage and sufficient cause is not shown by them for not filing them along with plaint. It also recorded that since 2009 onwards petitioners have taken several adjournments to protract the trial and this application is only filed to drag on the proceedings.

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

8. Learned counsel for the petitioners contends that the Court below should not have dismissed I.A.No.417 of 2014 and that since the reason given by the petitioners is genuine one, it should have been accepted by the Court below and permission should have been granted to the petitioners to receive the documents sought to be filed along with the said I.A.

9. Order VII Rule 14 (1) and (3) CPC states:

“Order VII Rule 14 - Production of document on which plaintiff sues or relies

(1) Where a plaintiff sues upon a document or relies upon document in his possession or power in support of his claim, he shall enter such documents in a list, and shall produce it in Court when the plaint is presented by him and shall, at the same time deliver the document and a copy thereof, to be filed with the plaint.

(2)

²[(3) 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.]

(4)”

10. In view of the above provisions, unless the petitioners show sufficient cause for not filing these documents along with the plaint, leave cannot be granted. Granting leave under Order VII Rule 14 (3) is not for the sake of asking and in the absence of sufficient cause being shown for not filing these documents earlier,

the Court is not bound to receive the documents.

11. Learned counsel for the petitioners has not disputed the fact that the issues were settled in the suit on 15-07-2009 and since then the petitioners-plaintiffs in the suit had not commenced their evidence even though five years had elapsed by the time the application I.A.No.417 of 2014 had been filed. As rightly held by the Court below these documents were public documents and were available to anybody at any time and therefore the petitioners, who have been negligent in filing these documents along with the plaint, cannot be now permitted to file them.

12. I therefore do not find any merit in the Civil Revision Petition and the same is accordingly dismissed. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 06-07-2015

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