

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**Civil Revision Petition Nos.4688, 4689 and 4690 of 2014**

-

**Dated 26<sup>th</sup> February, 2015**

**Between:**

Bayagari Narsinga Rao and others

**...Petitioners**

**And**

Smt.Tanveer Khaleel and others

**...Respondents**

**Counsel for the petitioners: Sri K.V.Bhanu Prasad**

**Counsel for respondent No.4: Sri Dharmesh D.K.Jaiswal**

for Sri V.Ramchander Goud

**The Court made the following:**

**COMMON ORDER:**

These three civil revision petitions arise out of the same suit between the common parties. Hence, they are heard and being disposed of together.

The petitioners filed O.S.No.1076 of 2010 on the file of the learned Principal Senior Civil Judge, Ranga Reddy District for declaration that the GPA bearing document No.2341/91, dated 02.12.1991, and registered sale deeds, dated

04.03.1997 and 21.03.1997, are null and void and also for perpetual injunction against the respondents/defendants from interfering with the suit schedule property. The respondents resisted the suit by filing written statement. After framing issues, the lower Court has conducted and completed the trial and posted the case for judgment. At that stage, the petitioners filed I.A.No.1305 of 2014 under Section 151 CPC to re-open the evidence on their side for the purpose of marking certain documents, I.A.No.1306 of 2014 under Order XVIII Rule 17 r/w Section 151 CPC to re-call PW.1 for the purpose of marking the documents and I.A.No.1307 of 2014 under Order VII Rule 14 CPC r/w Section 151 CPC to receive the documents. All these applications have been dismissed by separate but identical orders passed by the lower Court. Feeling aggrieved by these orders, the petitioners filed these revision petitions.

I have heard Sri K.V.Bhanu Prasad, learned counsel for the petitioners, and Sri Dharmesh D.K.Jaiswal, learned counsel, representing Sri V.Ramchander Goud, learned counsel for respondent No.4.

In support of the applications filed by the petitioners, petitioner No.5, who is plaintiff No.5, in the suit filed his affidavit. All that he has stated in his affidavit at para-4 is under:

“I submit that, at the time of filing of suit, I have not filed some crucial documents to prove my case, as such it is just and necessary that the Hon’ble Court may be pleased to reopen the Plaintiff’s evidence for the purpose of to file the documents on our behalf, otherwise we shall be put to heavy and irreparable loss which cannot be compensated by any means.”

Order VII Rule 14 CPC ordains that where a plaintiff sues upon a document or relies upon the 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. Sub-rule (3) of Rule 14 envisages that a document which ought to be produced in the 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. The legislative mandate under Order VII Rule 14(1) thus casts an obligation on the plaintiff to produce all the documents in his

possession upon which he sues or places reliance along with the plaint. Sub-rule (3) however carves out an exception to this rule and vested discretion in the Court to grant leave to the plaintiff to produce the documents at a later stage.

This Court in **C.Rama Mohan Reddy v. Kusetty Seshamma**, held that the plaintiff cannot be permitted to file the documents by way of additional evidence for the mere asking and that before granting leave, the Court must be convinced that sufficient reasons existed for the plaintiff for not filing the same when the plaint was presented. It was held as under:

“...Order VII Rule 14(1) of the Code of Civil Procedure, 1908, enjoins upon the plaintiff to enter all the documents, upon which he relies, in a list and shall produce them in the Court when the plaint is presented. Sub-Rule 3 of Rule 14 vests power in the Court to grant leave to file the documents at a later stage, but such a power has to be exercised only upon the plaintiff satisfying the Court that for convincing reasons those documents could not be filed earlier.”

Except making the statement that the petitioners have not filed some crucial documents, they have not explained as to the reason for not filing those documents along with the plaint. They have also not explained as to how those documents are felt crucial for proper and effectual adjudication of the issues involved in the suit. It is not the pleaded case of the petitioners that the documents which are now sought to be marked were not in their possession and that they have been procured at a later stage. In my opinion, the petitioners are not diligent in producing the documents at appropriate stage and as they have failed to satisfy the lower Court that sufficient reasons existed for invoking its discretion to grant leave under Order VII Rule 14(3), the Court has rightly dismissed the applications.

On the above premises, I do not find any illegality or jurisdictional error in the orders of the lower Court warranting interference of this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India.

The civil revision petitions are accordingly dismissed.

As a sequel to dismissal of the civil revision petitions, the pending interlocutory applications shall stand disposed of as infructuous.

**C.V.NAGARJUNA REDDY, J**

26<sup>th</sup> February, 2015

VGB