

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

CIVIL REVISION PETITION No.3625 OF 2015

ORDER:

Heard learned counsel for the petitioners and learned counsel for the respondent.

The suit in O.S.No.363 of 2011 filed by the respondent herein for recovery of money is pending before the Principal Senior Civil Judge, Chittoor. The petitioners, who are defendants, sought leave of the Court to receive the documents in defence. When the suit is posted for defendants evidence, I.A.No.508 of 2015 is filed, which, was, however, rejected by the trial Court under the impugned order, dated 12.08.2015, firstly on the ground that the document is not relevant, which is not in controversy, and secondly, there is no explanation by the petitioners as to why the documents in question were not filed earlier.

It is seen from the record that out of 27 documents, which the petitioners request to receive in evidence, almost all of them are certified copies relating to previous litigation and only few documents are originals, which are office copy of legal notice, acknowledgement, reply, award etc. Out of 27 documents, three documents appeared to have been already marked during the cross examination of PW.1, as Exs.B1 to B3 and only remaining 24 documents are required to be received in evidence. It is true that the petitioners have not produced the said documents either along with the written statement or the additional written statement, though the said documents are available then.

Learned counsel for the petitioners state that the said documents are relevant for the purpose of adjudication in the present application.

A reading of the impugned order shows that the trial Court refused to receive the documents in question on the ground that they are not relevant. However, it is not for the Court, but for the party to prove

that the same are relevant. The Court can always receive the documents subject to proof and relevancy.

Since the suit is at the stage of evidence by the defendants, in my view, it would be in the interests of justice that the petitioners application in I.A.No.508 of 2015 is allowed and the trial of the suit be expedited. However, for the delay caused in filing the documents at this stage, the petitioners shall pay costs of Rs.5,000/- to the respondent, within a period of four weeks from the date of receipt of a copy of this order. The trial Court shall receive the said documents and permit the petitioners to lead their evidence. In view of the filing of the fresh documents by the petitioners/defendants, after the defendant's evidence is closed, the respondent/plaintiff is at liberty to lead further evidence if the suit is with reference to the documents now produced. The trial Court shall accordingly dispose of the suit expeditiously preferably before the end of January, 2016.

The Civil Revision Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

VILAS V.AFZULPURKAR, J

14.10.2015

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