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HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 3182 of 2015

ORDER:

The present Civil Revision Petition is filed under Article 227 of the Constitution of India, aggrieved by an order dated 25.06.2015, passed in I.A.No.61 of 2015 in O.S.No.100 of 2007 on the file of the II Additional Junior Civil Judge, Karimnagar, wherein and whereunder an application filed under Order 7 Rule 14 of the Civil Procedure Code (C.P.C.) to receive the list of documents and mark the same as exhibits was dismissed.

The facts which lead to filing of the present revision are as under:

The plaintiff herein filed O.S.No.100 of 2007 seeking perpetual injunction restraining the defendants, their agents, workmen and family members from trespassing into or otherwise interfering with the possession of the plaintiff over the suit schedule property. A written statement was also filed by the defendants in the said suit. After completion of the arguments and when the case was reserved for judgment, an application under Order VII Rule 14 of C.P.C. came to be filed seeking permission of the Court to receive the documents and mark the same as exhibits. It is stated that the documents which were issued by the Tahsildar, Karimnagar, could not be filed at the time of filing of the above suit as they were not available with the petitioner and he obtained those documents at a later point of time. Hence, the petitioner sought to receive the

documents. Respondent Nos.1 to 3 filed counter opposing the application on the ground that no reasons were given by the plaintiff for not filing the documents at the earliest point of time and the same was brought into existence subsequent to the arguments in the suit. It is further averred that during the course of arguments when the respondents pointed out the lapses on the part of the plaintiff, then the plaintiff with a view to cover the lapses, filed the present application. In view of the above, it is stated that there are no merits in the case and the same is liable to be dismissed. After considering the material placed before the Court, the Junior Civil Judge rejected the application. Challenging the same, the present revision came to be filed.

Relying upon the judgment of this Court in C.R.P.No.2299 of 2013 and batch, dated 24.07.2013, learned counsel for the petitioner mainly submits that no opportunity was given to the plaintiff to prove that he is in possession of the property.

It is to be noted that under Rule 14 of Order 7 of CPC, when the plaintiff relies upon any document in support of his claim, he shall enter such documents in a list and shall produce before the Court, when the plaint is presented by him and under Rule 14 (3) of Order 7 of CPC, a document which has not been produced, shall not, without the leave of the Court, be received in evidence. It is not in dispute that the said document is not filed along with the plaint, but, with the permission of the Court, the parties are entitled to produce the same at a later stage.

Whoever seeks to submit documents subsequent to filing of the suit, is under duty to explain why the documents were not filed when the plaint was presented. In the present case, no

reasonable explanation is coming forward as to why the plaintiff could not submit the copies of pahanies at the time of filing of the suit. It is now argued that the petitioner was not in a position to gather these documents at that point of time. Infact, the appendix of the evidence shows that he has filed pahanis from the year 1999 to 2004. That being the position, he could have filed pahanies for the year 2005 to 2008 also. Apart from that, the material on record would clearly disclose that after advancing the arguments on both sides, the case was reserved for judgment. It is undisputed fact that during the course of arguments, the respondents raised an objection with regard to the possession of the petitioner in respect of the above property. As rightly observed by the trial Court, in order to fill up the lacunae in the case, the petitioner has come up with these documents. It is true that in C.R.P.Nos.2299 of 2013 and batch, which was relied upon by the learned counsel for the petitioner, giving permission to adduce evidence was allowed. But in the said C.R.P. and batch, an application was filed for marking of the pahanies through PW.1, after completion of recording the evidence. But, in the instant case, the request came to be made after completion of arguments and when the case is posted for judgment.

In view of the above, the said judgment would not be of any help to the petitioner.

Having regard to the circumstances stated above, this Court is of the opinion that there are no merits in the revision and the same is liable to be rejected.

Accordingly, the Civil Revision Petition is dismissed.
There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if
any in this Civil Revision Petition, shall stand closed.

C. PRAVEEN KUMAR, J

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24.08.2015
vhb