

**In the High Court of Judicature at Hyderabad
for the State of Telangana and the State of Andhra
Pradesh**

Civil Revision Petition No.1617 of 2015

Between:

Duttuluri Sambasiva Rao

... Petitioner

and

-
Valluru Bhaskara Rao

...Respondent

Date of Judgment Pronounced: 14-08-2015

Submitted for Approval:

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

1. Whether Reporters of Local newspapers
Yes/No
may be allowed to see the judgments ?
2. Whether the copies of judgment may be
Yes/No
marked to Law Reporters/Journals
3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment ?

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.1617 of 2015

Dated 14.08.2015

Between:

Duttuluri Sambasiva Rao

... Petitioner

and

-
Valluru Bhaskara Rao

...Respondent

Counsel for the Petitioner: Mr.Posani Subba Rao

Counsel for the respondent: Mrs.Manchikalapati Renuka

The Court made the following:

Order:

This Civil Revision Petition arises out of Order, dated 20.02.2015, in IA.No.43 of 2015 in OS.No.157 of 2008, on the file of the Court of the learned Principal Junior Civil Judge, Narasaraopet.

The respondent filed the above-mentioned suit for specific performance of the alleged oral agreement of sale stated to have been entered into between the parties on 02-10-1975. After closure of evidence on the respondent's side, and when the suit was posted for his evidence, the petitioner has filed IA.No.43 of 2015 under Order VIII Rule 1 and Section 151 of the Code of Civil Procedure, 1908 (for short 'the CPC') for receiving the registered partition deed, dated 16-08-1976, in evidence. This Application has been dismissed by the lower Court only on the ground that no reasons have been assigned by the petitioner for not producing the same earlier.

Smt.Manchikalapati Renuka, learned Counsel for the respondent, has submitted that as the petitioner failed to assign any reasons whatsoever, the lower Court has rightly dismissed the Application filed by him.

Undoubtedly, this Court has time and again held that a party is not entitled to produce the documents, which were not produced along with the written statement, for the mere asking. At the same time, this Court has held that a fair amount of discretion is vested in the Court for allowing production of documents at a later stage, provided, the documents, which are proposed to be filed, help the Court to properly and effectually adjudicate the dispute. It is the pleaded case of the petitioner that, by the time, the alleged oral agreement of sale was entered into between the parties, the properties remained joint and that, for the first time, on 16-08-1976 *i.e.*, after the purported oral agreement of sale, the properties were partitioned under the registered partition deed.

In my opinion, the subject document is relevant for proper adjudication of the suit and the lower Court ought to have allowed the same to be produced by the petitioner by putting him on proper terms for its belated production.

In this view of the matter, the order under revision is set aside and IA.No.43 of 2015 of 2015 in OS.No.157 of 2008, on the file of the Court of the learned Principal Junior Civil Judge, Narasaraopet, is allowed subject to the petitioner paying to the respondent, a sum of Rs.5,000/- towards costs, within two weeks from the date of receipt of this order.

The Civil Revision Petition is, accordingly, allowed.

As a sequel, CRPMP.No.2171 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 14th August, 2015
LUR