

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION Nos.4080 and 4081 of 2015

COMMON ORDER:

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These two civil revision petitions are amenable to disposal by way of this common order as they arise out of the same proceedings, RCC.No.5 of 2012 on the file of the learned Rent Controller-cum-Principal Junior Civil Judge, Bhimavaram.

The petitioner in both the cases is the respondent in the said RCC. He filed I.A.No.419 of 2015 therein under Order 18 Rule 17 CPC to recall R.W.1 for marking certain documents. He also filed I.A.No.420 of 2015 in the said proceedings under Order 8 Rule 1(3) CPC to receive the said documents by condoning the delay on his part. By separate orders dated 19.08.2015, the learned Rent Controller dismissed both the I.As. Aggrieved thereby, the petitioner is before this Court by way of these civil revision petitions filed under Article 227 of the Constitution. C.R.P.No.4080 of 2015 arises out of the order passed in I.A.No.419 of 2015 in RCC.No.5 of 2012 while C.R.P.No.4081 of 2015 arises out of the order passed in I.A.No.420 of 2015 in the RCC.

Perusal of the orders passed by the learned Rent Controller reflects that the petitioner/respondent independently filed O.S.No.82 of 2012 on the file of the learned Principal Junior Civil Judge, Bhimavaram, for a permanent injunction against the respondent herein, the petitioner in the RCC. The documents in question were marked in evidence in the said suit. In the RCC, the petitioner/respondent examined himself as R.W.1 and thereafter examined another witness as R.W.2. At that stage, he filed the subject I.As. However, prior thereto, he filed I.A.No.412 of 2014 in the RCC to call for the subject documents which had been filed in O.S.No.82 of 2012. This application was dismissed on 27.04.2015. The subjects I.As. were filed in August, 2015.

The learned Rent Controller found that there were no reasons

forthcoming to explain the delay on the part of the petitioner/respondent as to why he could not file the list of documents along with his counter. Order 8 Rule 1A(3) CPC requires that a document which ought to have been produced but was not so produced by the defendant/respondent should not be received in evidence except with the leave of the Court. It was therefore necessary for the petitioner/respondent to explain before the Court as to his lapse in this regard and without satisfying the Court, he could not adduce such additional documentary evidence. The learned Rent Controller found that the petitioner/respondent had no reason to explain his lapse in this regard. Further, the relevance of the documents was also not explained. Given these circumstances, the learned Rent Controller rightly dismissed the I.As. No interference is therefore warranted with the well-reasoned orders passed by the learned Rent Controller.

The civil revision petitions are devoid of merit and are accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

29th October, 2015
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