

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA

RAO

CRP.No.3449 of 2015

ORDER :

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.25.06.2015 in I.A.No.358 of 2015 in LGC.No.1 of 2009 of the I Additional District Judge, Warangal.

2. The petitioner herein had filed the said LGC against the respondents alleging that the respondents should be declared as land grabbers to the extent of 175 sq. yards belonging to the petitioner, by evicting him.

3. The trial concluded and the matter was posted for arguments.

4. At that stage, after taking time till May, 2015, the petitioner filed I.A.No.358 of 2015 under Order VII Rule 14(3) CPC seeking grant of leave to file original Minutes Book of the petitioner's Society for the period 10-10-1971 to 06-10-1990.

5. In the affidavit filed in support of this application, it was stated that he had already filed resolution of the General Body of the Society dt.17.11.1979, but he could trace out the original Minutes Book containing the said resolution after filing of the copy of the resolution, and therefore the Minutes Book may be received in evidence.

6. The respondent filed counter opposing the same contending that the LGC itself was filed 18 years after passing of the alleged resolution wherein it is alleged that some excess land is found in plot No.70 allotted to the vendor of the respondent and that the said resolution is infructuous and ineffective.

7. By order dt.25.06.2015 the Court below dismissed the said application.

8. It held that the petitioner had filed earlier I.A.No.245 of 2015, by which date also, the minutes book, which is now sought to be filed along with I.A.No.358 of 2015, was available and that the petitioner had not explained as to why the same was not filed at the earlier point of time. It therefore held that the petitioner had failed to explain its failure to file the document and showed absence of diligence.

9. Challenging the same, this Revision is filed.

10. Counsel for the petitioner contended that the petitioner is a Society and the land belonging to the Society was encroached by the respondent and since valuable rights to property are involved, opportunity may be given to the petitioner to file the Minutes Book of the Society in original. He also contended that failure to file the same earlier was not deliberate.

11. Under Order VII Rule 14 (3) CPC, a plaintiff seeking to file documents, which were not filed earlier, is required to seek leave of the Court and only then they will be received in evidence. Grant of leave is not for the mere asking and the petitioner should give valid reasons why the original Minutes Book could not be filed at the time when the LGC was filed in the year 2009. In the absence of any such reasons having been furnished by the petitioner, the order passed by the Court below cannot be found fault with, particularly, when the LGC is at the stage of arguments. Therefore, I do not find any error of jurisdiction in the order passed by the Court below.

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

13. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

27th August, 2015.
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