

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.2677 of 2014

ORDER :

This Revision is filed challenging the order dt.24.07.2014 in I.A.No.449 of 2014 in O.S.No.76 of 2011 on the file of Principal Junior Civil Judge, East Godavari District at Amalapuram.

2. The petitioner herein is defendant in the suit.
3. The respondent/plaintiff filed the suit against petitioner for recovery of arrears of rent of Rs.89,986/- for the years 2008-2009 (1st crop) to 2010-2011 (1st crop).
4. Written statement was filed by the petitioner on 15.12.2011.
5. Issues were framed on 02.01.2012. The plaintiff examined himself as PW.1 and marked Exs.A.1 to A.5.
6. The defendant filed chief-examination affidavit on 04.07.2014 and the matter was posted for cross-examination of DW.1.
7. At this stage, the defendant/petitioner filed I.A.No.449 of 2014 under Order 8 Rule 1A C.P.C seeking grant of leave to file certain documents by condoning the delay in filing the same.

8. In the affidavit filed in support of this application it is stated by petitioner that her husband was looking after the transactions relating to the plaint schedule property and he had died, and the documents now sought to be filed by petitioner, are important to defend the case.

9. Counter-affidavit is filed by respondent opposing this application pointing out that the suit itself was filed against petitioner after her husband died; when she filed written statement, the petitioner was supposed to file the documents relied upon by her in the written statement; and therefore, the reason now given that on account of her husband's death, the documents were not filed along with the written statement, cannot be believed.

10. By order dt.24.07.2014, the Court below dismissed the said application. It held that the avowed object of requiring a defendant to file documents along with the written statement is to avoid unnecessary delays and proceedings in Courts; that petitioner had knowledge about the documents which she now seeks to file since they are admittedly in her possession; therefore, at this stage, leave cannot be granted to her to file those documents; and that the reason given by her petitioner that her husband used to look after the transactions relating to the property and because of his death, the documents could not be filed, cannot be accepted because the suit itself was filed after the death of her

husband.

11. Challenging the same, this Revision is filed.

12. Heard Sri T.V.S. Prabhakara Rao, counsel for petitioner.

13. The counsel for petitioner submits that the order passed by the Court below cannot be sustained and the Court below ought to have taken a sympathetic view of the matter and granted leave to petitioner to file the documents in question.

14. I am unable to agree with the said submission.

15. There is no dispute that the documents, which the petitioner is now seeking to file, were available with her at the time when she filed the written statement. Since the suit itself was filed after the death of petitioner's husband, her plea that her husband was looking after the transactions relating to the property and because of his death, she could not file them earlier, cannot be accepted.

16. I do not find any error of jurisdiction passed by the Court below in refusing to grant relief to petitioner to file these documents. Therefore, the Revision is dismissed. No order as to costs.

17. Miscellaneous applications, pending if any in this Revision, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 30-06-2015

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