

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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CIVIL REVISION PETITION No.3297 of 2015

ORDER:

The petitioner is the defendant in O.S.No.130 of 2007 on the file of the learned Senior Civil Judge, Tadepalligudem, West Godavari District. He filed I.A.No.1290 of 2014 in the said suit under Order VIII Rule 1A (3) CPC to receive certain documents in evidence. By order dated 14.07.2015, the trial Court dismissed the I.A. Aggrieved thereby, he is before this Court by way of this revision petition filed under Article 227 of the Constitution.

Despite service of notice, the respondent/plaintiff did not choose to put in his appearance before this Court either in person or through learned counsel.

O.S.No.130 of 2007 was filed for recovery of money on the basis of a demand promissory note. The petitioner/defendant wished to mark in evidence certified copies of the plaint and written statement in O.S.No.1010 of 2007 on the file of the learned Principal Senior Civil Judge, Vijayawada, certified copies of the plaint and written statement in O.S.No.54 of 2008 on the file of the learned Senior Civil Judge, Kovvur, and the Expert opinion marked in evidence in O.S.No.363 of 2007 on the file of the learned Senior Civil Judge, Eluru. These documents, according to the petitioner/defendant, strengthened his case before the trial Court. In his affidavit filed in support of the subject application, he put forth reasons to explain the delay on his part in producing these documents. He stated that the delay was caused owing to the process involved in obtaining certified copies of these documents from the Courts concerned.

However, the trial Court did not look into this aspect of the matter and dismissed the I.A. on the short ground that the documents sought to be marked in evidence were irrelevant.

At the stage of granting leave to file a document which ought to

have been produced under Order VIII Rule 1A (3) CPC but was not so done, the trial Court merely has to look into whether there is any lapse or negligence on the part of the defendant in adhering to the requirement of Order VIII Rule 1A (3) CPC. At that stage of the proceedings, the relevance of the document is of no concern. (see **Gundubogula Bala Krishna v. G.Satyanarayana**^[1]). The trial Court therefore erred in dismissing the subject application on the ground of relevance of the documents.

The Civil Revision Petition is accordingly allowed. The order dated 14.07.2015 passed in I.A.No.1290 of 2014 in O.S.No.130 of 2007 on the file of the learned Senior Civil Judge, Tadepalligudem, West Godavari District, is accordingly set aside. The trial Court is directed to receive the documents in evidence subject to proof and relevance which shall be examined at the appropriate stage.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:21.09.2015

GJ

^[1] C.R.P.No.3865 of 2014, Dt.31.07.2015