

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.1133 of 2014

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ORDER:

The petitioner herein is the appellant in A.S. No.73/2013 on the file of the Court of the learned Additional District Judge, Vikarabad, Rangareddy District. The respondent herein filed O.S. No.62/2004 against the petitioner before the learned Senior Civil Judge, Vikarabad, for recovery of money, and the said suit was decreed. Against the said judgment and decree, the petitioner preferred A.S. No.73/2013 on the file of the Court of the learned Additional District Judge, Vikarabad, and during pendency of the appeal he filed I.A. No.768/2013 seeking permission to file the document dated 11.09.2004 as additional evidence.

In support of the application in I.A. No.768/2013, the petitioner stated as follows:

“I submit that at the time of filing of Suit I could not file Acknowledgment copy of Police Complaint dt.11-09-2004 along with other documents as the same was misplaced. I submit that recently I traced out the above mentioned document. I submit that now I am filing the above mentioned Document in support of my case.”

The respondent filed a counter stating that the alleged document has nothing to do with the suit claim and how it is relevant for the suit claim was not indicated in the application. The lower appellate Court, by its order dated 07.03.2014, dismissed the said application with the following observations:

“Admittedly the document dt. 11-09-2004 has not been adduced in evidence before the trial court in O.S. 62/2004 at the time of the trial. No reason is given by the petitioner for not filing the said document or how he traced out the said document at the stage of the appeal, even otherwise the contents of the document show that the date i.e. 11-9-2004 is added to the typed matter and the contents of the same do not tally with the pleadings of the petitioner herein in his written statement. The averments in the said document dt. 11-9-2004 are not in accordance with the pleadings of the petitioner in the written statement. Since the petitioner has not given any reason for not filing the said

document before the trial court and since the petitioner failed to explain from where he has traced out the document in question and further since the petitioner failed to explain the contradictions in his pleadings of the contents of the document. This Court concludes the said document cannot be accepted by the court towards additional evidence of the petitioner in the appeal. Hence decides this point against the petitioner.”

In the absence of any reason showing the *prima facie* relevance of the said document and for not satisfactorily explaining the delay in filing the said document, the impugned order of the lower appellate Court is correct, and this Civil Revision Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

08.12.2015

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