THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

CIVIL REVISION PETITION No.4351 OF 2015

ORDER:

Heard both sides.

The petitioner questions the order passed by the Senior Civil Judge, Puttur, allowing I.A.No.693 of 2015, whereby the documents sought to be produced by defendants 15 and 16 were permitted to be received in evidence subject to proof, relevancy and admissibility.

The petitioner, who is the plaintiff, questions the said order on the primary contention that respondents 1 and 2, who have filed the said I.A., have failed to mention adequate reasons as to why they could not produce the said documents along with the written statement. He also submits that the production of the documents during trial should not be routinely permitted, unless a party seeking to introduce the documents satisfies the requirement of Order VIII Rule 1(A)(3) C.P.C. Strong reliance is placed upon the decisions of this Court in **Ravi Satish v. Edala Durga Prasad, Union of India, Ministry of Finance, rep., by its Secretary, New Delhi v. Y.S. Hi-Tech Secure Print Pvt. Ltd., rep., by its Managing Director, Hyderabad,** and an unreported judgment of this Court in C.R.P.No.3120 of 2011, dated 09.12.2011.

Learned counsel for the petitioner reiterates that as per the ratio of the aforesaid decisions unless adequate reasons are mentioned in the affidavit, the trial Court cannot grant leave for filing of the documents during trial and in the present case, according to the learned counsel for the petitioner, no reason satisfying the requirement of Order VIII Rule 1 C.P.C., referred to above, is found in the application of respondents 1 and 2. Learned counsel, therefore, submits that the impugned order is clearly unsustainable.

I am not inclined to accept the said contention inasmuch as in the second paragraph of the affidavit filed in support of I.A.No.693 of 2015, respondents 1 and 2 have stated as follows:

> "I submit that I want to file some of the documents as evidence on my behalf i.e., certified copies of sale deeds and revenue records to prove our contention and to disprove the version of the plaintiff the said documents are material and essential to our case. Some of the documents were obtained in Mee seva, Sub-Registrar office and from Court and also Tahsildar office recently. So, non-filing of the documents earlier is not intentional. There is no wilful delay in filing the same. So, it is just and necessary to receive the said documents as evidence on our behalf."

The Court below has also duly examined I.A.No.693 of 2015 on the point of compliance to the aforesaid provision by specifically referring to two decisions, referred to above, and at paragraph No.8 of the order, the trial Court recorded as under:

> "The pleas in the written statement of the petitioners categorically show that they have pleaded about the existence of documents and the revenue records to support their pleas and the grounds mentioned in the present petition show that they have applied for obtaining the certified copies of the documents from the registrar office and Tahsildar Office and obtained the same, which is a sufficient cause for filing the documents at belated stage."

In my view, the reasons given by the petitioner and the finding recorded by the trial Court fully satisfy the requirements of the ratio of the decisions, referred to above. Hence, the order permitting respondents 1 and 2 to file the documents does not warrant any interference particularly as the petitioner would have adequate opportunity to raise objections with regard to proof, relevancy and the veracity of the documents and would also have the opportunity of cross-examining the witnesses to be examined by respondents 1 and 2 in support of the said documents. Hence, there is no reason to interfere with the impugned order.

The Civil Revision Petition is, accordingly, dismissed. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

20.11.2015

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