

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.792 of 2015

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ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.29-01-2015 in I.A.No.648 of 2014 in O.S.No.21 of 2013 of the Principal Junior Civil Judge at Jagtial.

2. The petitioner herein is plaintiff in the suit. He filed the suit against respondents for declaration of his title to the plaint schedule property and also for a perpetual injunction. The defendants had filed a written statement opposing the suit claim.
3. The petitioner filed I.A.No.648 of 2014 under Order VII Rule 14 CPC to receive a Pahani Patrik for the year 2014-2015 by condoning the delay in filing the same.
4. In the affidavit filed in support of the said I.A., he stated that he obtained it recently, that it is a public document and it is relevant to prove his case.
5. Counter affidavit is filed by 3rd respondent on behalf of respondents contending that it is a manipulated document and is not a certified copy and cannot be marked under law.
6. By docket order dt.29-01-2015, the Court below upheld this objection raised by respondents and refused to mark the said document.
7. Challenging the same, this Revision is filed.
8. Learned counsel for petitioner contended that while deciding

whether or not to receive the document in question, it is not open to the Court below to go into the evidentiary value of the document. He further contended that the document in question having been obtained by petitioner after filing of the suit, the petitioner could not have filed it earlier and therefore he should have been granted leave by the Court below to file it.

9. Learned counsel for respondents, on the other hand, contended that the document is a manipulated document, that it is not a certified copy, that it is not signed by the competent authority and the Court below was right in refusing to grant leave to petitioner to file it.

10. Order VII Rule 14 (1) and (3) of C.P.C. states:

“Order VII Complaint

Rule 14: Production of document on which plaintiff sues or relies:

(1) Where a plaintiff sues upon a document or relies upon document in his possession or power in support of his claim, he shall enter such documents in a list, and shall produce it in court when the plaint is presented by him and shall, at the same time deliver the document and a copy thereof, to be filed with the plaint.

(2) ”

(3) A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not without the leave of the Court, be received in evidence on his behalf at the hearing of the suit. ”

11. The above provisions indicate that normally a plaintiff, who sues upon a document or lies upon document in his possession or power in support of his claim, shall produce it in Court when he presents the plaint. He will not be allowed to present it later unless the Court grants him leave. Leave will be granted only if

sufficient cause is shown by plaintiff why he could not file it with the plaint.

12. In the present case, the document in question is a Pahani Patrik for the year 2014-2015. The suit was filed in the year 2013. Therefore, this document could not have been filed at the time of presentation of plaint by petitioner since it had come into existence only subsequent thereto. Therefore, in my opinion, the Court below ought to have granted leave to the petitioner to file the said document.
13. Coming to the objections raised by respondents as to the evidentiary value of this document, these objections cannot taken note of by the Court at the time of deciding whether or not grant leave to the petitioner under Order XIV Rule 14(3) CPC. It is certainly open to respondents to raise all contentions open to them including the contention as to admissibility, relevancy and evidentiary value of this document as and when it is sought to be marked in evidence by petitioner.
14. Therefore, the Civil Revision Petition is allowed with the above observations. No costs.
15. As a sequel, miscellaneous petitions pending, if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 04-06-2015

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