

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
CIVIL REVISION PETITION Nos.2939, 3001 & 3067 of 2015

% 31.7.2015

Between:

Lukka Srinivasa Rao @ Venkateswarlu,
S/o Sivashankara Rao

..... Petitioner

And:

\$ Lukka Sivaiah, S/o Veera Swamy

.....Respondents

< Gist:

> Head Note:

! Counsel for the Petitioner: Sri Chakkilam Venkateswarlu

^ Counsel for the Respondent: None appeared

? Cases Referred:

1. 2012(4) ALD 96
2. 2012(5) ALD 243

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

***FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH***

CIVIL REVISION PETITION Nos.2939, 3001 & 3067 of 2015

-

Between:

Lukka Srinivasa Rao @ Venkateswarlu,
S/o Sivashankara Rao

... Petitioner

And

Lukka Sivaiah, S/o Veera Swamy

... Respondent

DATE OF JUDGEMENT PRONOUNCED: 31.7.2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment?

Yes/No

Yes/No

2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes

3. Whether Their Ladyship/Lordship wish to
Yes
see the fair copy of the Judgment?

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION Nos.2939, 3001 & 3067 of 2015

Date:31.7.2015

Between:

Lukka Srinivasa Rao @ Venkateswarlu,
S/o Sivashankara Rao

..... Petitioner

And:

Lukka Sivaiah, S/o Veera Swamy

.....Respondent

Counsel for the Petitioner: Sri Chakkilam Venkateswarlu

Counsel for the Respondent: None appeared

The Court made the following:

COMMON ORDER:

These Civil Revision Petitions arise out of common suit. Hence, they are heard and being disposed of together.

The respondent has filed O.S.No.61 of 2010 on the file of the learned Principal Junior Civil Judge at Tenali for permanent injunction against the petitioner in respect of the suit schedule property. After the evidence was closed and the suit was coming up for arguments, the respondent has filed I.A.No.148 of 2015 for reopening the evidence, I.A.No.149 of 2015 for recalling P.W-1 and I.A.No.150 of 2015 for

receiving the documents in evidence. The petitioner has strenuously opposed the said applications by stating that no reasons, worth acceptable, have been put forth by the respondent for reopening the evidence. However, the lower Court by common order, dated 20.6.2015, has allowed the said applications. Feeling aggrieved by the said order, the defendant filed these Civil Revision Petitions.

At the hearing, Sri Chakkilam Venkateswarlu, learned counsel for the petitioner, has strenuously submitted that the respondent has failed to assign any reason whatsoever for filing the applications at a far too belated stage and that therefore, the lower Court has committed a serious jurisdictional error in allowing these applications. He has further submitted that under Order-VII Rule-14(1) of the Code of Civil Procedure, the plaintiff shall enter all the documents, upon which he relies, in a list and shall produce them in the Court when the plaint is presented and unless the plaintiff satisfies the Court that he could not file the documents earlier with convincing reasons, the discretion vested in Rule-14 thereof shall not be exercised by the Court.

In support of this submission, the learned counsel has placed reliance on the judgments of this Court in ***C.Rama Mohan Reddy Vs. Kusetty Seshamma and others***^[1] and ***M.R.Anjaneyulu Vs. R.Subramanyam Achary***^[2].

As regards the proposition of law viz., that Order-VII Rule-14(1) C.P.C. enjoins upon the plaintiff to file all his documents along with the plaint and that unless he puts forth convincing reasons, the Court cannot allow him to file the documents at a later stage, the same is unexceptionable. Indeed, this Court has reiterated this legal position in both the judgments cited by learned counsel, as referred to supra. However, whether a party has put forth sufficient reasons for filing the documents at a belated stage or not, depends upon the facts of each case and no hard and fast rule can be laid down in that regard.

In the present case, though no elaborate reasons have been assigned by the respondent for producing the documents after closure of the evidence, in para-2 of the affidavits, filed in support of his applications, he has pleaded that the documents which are proposed to be filed "are now available". This plea was reiterated by his counsel at the hearing, which was recorded by the lower Court in the order, to the effect that the plaintiff being innocent and illiterate, could not find those documents at the time of filing the suit and that as those documents were essential for proving his possession, he has proposed to file the same. The lower Court has discussed the nature of the documents proposed to be filed, viz., electricity bills and house

tax receipts and rendered a finding that in a suit for injunction, the aspect of possession is of prime consideration and that the documents which are proposed to be filed are necessary to prove the case of the respondent.

It is often said that procedure is the handmaid of justice. It is also said that procedural and technical hurdles shall not come in the way of the Court for doing substantial justice. Where procedural violations cause serious prejudice to the adversary party, the Courts need to view such violations seriously and uphold the objection(s) of the adversary party to prevent causing of such prejudice to it. In contrast, if such procedural violations do not lead to such result, the Courts must lean towards doing substantial justice rather than relying upon procedural and technical violations.

Applying these settled legal principles to the present case, it is no doubt true that, as per the law that could be culled out from the precedents, the party who wants to produce the documents at a later stage of the suit proceedings, must satisfy the Court with convincing reasons that he was prevented by sufficient cause from producing the same earlier. However, in cases where such explanation is not effectively put forth and if the Court is convinced that the documents which are sought to be produced are essential for proper and effectual adjudication of the dispute and production of such documents at a belated stage would not prejudice the adversary party, it must overlook the failure of the party in putting forth convincing reasons.

In the instant case, the lower Court has recorded sound reasons for accepting the documents at a belated stage and allowed the applications on being satisfied that the documents are essential for proving the case of the respondent. This Court while exercising the revisional jurisdiction seldom interferes with such sound exercise of discretion by the lower Courts even if the aggrieved party makes out a case that the opposite party has not fully complied with the procedural requirement.

On the analysis as above, all the Civil Revision Petitions are dismissed.

As a sequel to dismissal of the Civil Revision Petitions, CRPMP.No.3911of 2015 is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

31st July, 2015

Note:

LR copy marked.

B/o

DR

[\[1\]](#) 2012(4) ALD 96

[\[2\]](#) 2012(5) ALD 243