

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.4573 of 2016

ORDER:

Heard learned counsel for the petitioner, Sri V.R. Reddy Kovvuri, and learned counsel for the respondent, Sri K.S. Murthy; and with their consent this Civil Revision Petition is disposed of at the admission stage.

2) This Civil Revision Petition is filed by the petitioner/plaintiff aggrieved by the order dated 29.3.2016 in I.A.No.708 of 2015 in O.S.No.63 of 2013 on the file of Senior Civil Judge, Rayachoty whereby trial Court dismissed the application filed by the petitioner under Order 7 Rule 14 of C.P.C. to receive the petition mentioned documents and mark them as exhibits on his behalf.

3) The petitioner filed O.S.No.63 of 2013 seeking specific performance of suit agreement. In the said suit, the petitioner filed I.A.No.708 of 2015 praying the Court to receive about 9 documents. The respondent/defendant opposed the petition, and the impugned order shows that the trial Court, having observed that the leave under Order 7 Rule 14 of C.P.C. is not an automatic process and the petitioner/plaintiff failed to explain the reasons for delay in filing the said documents, dismissed the petition. Hence, the Civil Revision Petition.

4) It is the submission of the learned counsel for the petitioner that in obtaining the documents there was some delay and since the trial has not yet commenced he may be given an opportunity to produce the petition mentioned documents so as to vindicate his rights in the suit.

5) On the other hand, learned counsel for the respondent would submit that the petitioner could not show any probable cause for the delay in producing the documents and therefore the trial Court rightly

dismissed the petition and there is no need to interfere with the impugned order.

6) As can be seen, earlier it appears the petitioner filed I.A.No.15 of 2016 in O.S.No.63 of 2013 with similar prayer to receive some more documents and when said application was dismissed by the trial Court, he preferred C.R.P. No.2767 of 2016 and this Court in its order dated 15.7.2016 allowed the said Civil Revision Petition and permitted the petitioner to produce the petition mentioned documents therein subject to proof and relevancy and also subject to the defendants challenging the veracity of those documents.

7) In my view, in this petition also same order can be passed because the impugned order also relates to production of some more documents by the petitioner/plaintiff. Considering the fact that it is a suit for specific performance and valuable rights of the parties are at stake, an opportunity should be given to the petitioner/plaintiff to produce the documents, but of course on terms.

8) Accordingly, this Civil Revision Petition is allowed and the impugned order in I.A.No.708 of 2015 in O.S.No.63 of 2013 is set aside and the trial Court is directed to permit the petitioner/plaintiff to produce the documents mentioned in I.A.No.708 of 2015 and mark them as exhibits on his behalf subject to proof and relevancy and also by giving an opportunity to the respondent/defendant to question the admissibility of those documents, on the condition of the petitioner/plaintiff depositing costs of Rs.500/- (Rupees Five hundred only) with the Mandal Legal Services Authority, Rayachoty within two weeks from the date of this order, failing which this order shall be deemed cancelled. No order as to costs.

Miscellaneous applications, if any, pending in this Revision shall stand closed.

U.DURGA PRASAD RAO, J

Date: 02.12.2016.

Note:- CC by 5.12.2016

(B/O)
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